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1A

Housing in Creole St. Louis, 1764-1821: An Example of Cultural Change, by Marshall Smelser.

Mississippi River Ice at New Orleans, by John C. L. Andreassen.

Napoleon's Cession of Louisiana: A Suggestion, by Richard R. Stenberg.

A Consequence of the Louisiana Purchase, by Laura A. de Rojas.

The Difficulties of Andrew Jackson in New Orleans Including his later dispute with Pulaski Shinpoiste, as shown by the Documents. Edited by James A. Padgett.

Sir Walter Scott in New Orleans, 1815-1832, by Harold F. Harper.

The First Synagogue in Louisiana, by Leo Shpall.

James Ryder Randall in Louisiana, by John Keith Ulsh.

The New Orleans Cotton Ending of 1937, by Roger Wolfley Babson.

Book Reviews and Notes. Reviews of the Year's Work in Louisiana History, by James Alton James, Secretary of the Society of Colonial

Reports of the Society of Colonial Dames in Louisiana, the Louisiana Historical Society, the Louisiana Society of Pioneers, the Louisiana Society of Colonial Wars, the Louisiana Society, Sons of American Revolution, the Louisiana Society, Daughters of American Revolution, the Louisiana Society, Daughters of the American Colonists, the Louisiana Society, Daughters of the Confederacy, the Louisiana Society, Daughters of 1812, the Louisiana Society, Daughters of the Cincinnati, the Louisiana Society, Daughters of the Revolution, the Louisiana Society, Daughters of the Colonial Wars, the Louisiana Society, Daughters of the Colonial Dames

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THE LOUISIANA HISTORICAL QUARTERLY

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HOUSING IN CREOLE ST. LOUIS, 1764-1821: AN EXAMPLE OF CULTURAL CHANGE

By MARSHALL SMELSER

This short study is intended merely as a contribution to the history of domestic institutions that must be known before the West can be completely understood. In a strict sense it is the story of the transition from Creole customs to American customs in one material phase: housing. In a broader sense it is a fragmentary addition to the history of a cultural change, the change from French civilization in the Mississippi Valley to a culture that is now called American. The Illinois country in one century witnessed the rise of a new society and its complete obliteration. St. Louis provides an especially significant aspect of the phenomenon in that it was founded late in the Creole regime and its first institutions were taken full blown from the results of the French settlers' adaptations in neighboring areas. Thus its early history is one in which the destructive effect of American interpenetration, as far as those Creole customs were concerned, is the chief note. Of change from earlier French standards to later Creole standards there was none; the social change that occurred in St. Louis was change from mature Creole to immature American. Almost nowhere else in the valley is the picture delineated so sharply.

For the historians' purposes exact social time does not exist, but the period can be dated roughly from 1764 (the foundation of Laclede's post) to 1821 (the foundation of the State of Missouri). The place: St. Louis. In 1764 St. Louis was a trading post, with an almost classless society. In 1821 it was a manufactory, a port, the gateway to the Northwest, with a true *bourgeois* class and the beginnings of a proletariat.

One of the earliest descriptions of the outward aspect of St. Louis was that of Stoddard, who said:[1]

> It contains about one hundred and eighty houses, and the best of them are built of stone. Some of them, including the large gardens, and even squares, attached to them, are enclosed with high stone walls; and these, together with the rock scattered along the shore and about the streets, render the air uncomfortably warm in summer.

This was a view of 1804. Ten years later Brackenridge said that all the principal villages of the region were beginning to look like towns of the Americans.[2] Sensing the extinction of Creole architecture which was soon to come, he undertook to describe the purely Creole type of building and to sketch, for posterity, a broad picture of the appearance of the typical Upper Louisiana Creole village, as follows:[3]

> Although there is something like regularity of streets, and the houses are built in front of them, they do not adjoin, while the gardens, orchards and stables, occupy a considerable extent of ground. Each house with its appurtenances, has the appearance of one of our farm-yards. All kinds of cattle, cows, hogs, sheep, mingle with the passengers in the streets. These tenements are generally enclosed with cedar pickets, placed in the manner of stockades, and sometimes with stone walls.
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> . . . From the opposite bank, St. Louis . . . appears to great advantage. In a disjoined and scattered manner it extends along the river a mile and a half, and we form the idea of a large and elegant town. Two or three large and costly buildings (though not in the modern taste) contribute in producing this effect. On closer examination, the town seems to be composed of an equal proportion of stone walls, houses, and fruit trees: but the illusion still continues.

He noted in another place[4] that disparities in wealth existed, and that a few individuals had erected dwellings which by comparison with others might be called palaces.

The Reverend Timothy Flint, puritan divine, was not so favorably impressed as the gentleman from Maryland. He wrote:[5]

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[1] Amos Stoddard, *Sketches Historical and Descriptive of Louisiana*, (Philadelphia, 1812), 219.

[2] Henry Marie Brackenridge, *Views of Louisiana*, (Pittsburgh, 1814), 145.

[3] *Ibid.*, 119, 121.

[4] Henry Marie Brackenridge, *Recollections of Persons and Places in the West*, (2nd edition, Philadelphia, 1868), 231.

[5] Timothy Flint, *Recollections of the Past Ten Years*, (New York, 1932), 107. His first visit was in 1816.

> St. Louis, as you approach it, shows, like all the other French towns of this region, to much the greatest advantage at a distance. The French mode of building, and the white coat of lime applied to the mud or rough stone walls, gives them a beauty at a distance, which gives place to their native meanness when you inspect them from a nearer point of view.

But Flint carried New England— and Cambridge in particular— within him, and judged all the West by the measure of himself. For the remnants of a Latin culture that he observed along the Mississippi he rarely had a kind word.

Henry R. Schoolcraft visited St. Louis in 1818 and again in 1821 and noticed that in the brief interval time had changed the Creole town. He stated:[6]

> The three years which have elapsed, since my former visit to this western emporium, have produced a striking improvement in the general appearance of the town; and it is certainly entitled to the reputation it has in the Mississippi Valley, for its eligible and advantageous site, and its increasing prosperity.

It is to be recalled that according to Brackenridge's evidence (on the emergent disparity in the distribution of wealth) such "increasing prosperity" can only have been at the cost of class solidarity. Personal property decreased markedly in value in the years 1804-1810. The shift to American conceptions of value is shown by the fact that in seven years after the cession to the United States, realty (within the town) had increased in value, on an average, five hundred percent[7]. Certainly the population increased nowhere near so quickly; thus no absolute need of room and shelter drove values up. Henceforth the traditional Creole standards were reversed. Land was the mark of wealth; tangible personalty became, as today, incidental.

1. Dwellings

The houses of the Creoles had a striking uniformity. Each stood on its own lot, enclosed by wall or picket fence. Usually they were of one story above the ground, surrounded by a gallery which was roofed if the owner could afford it. The walls were generally

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[6] Henry Rowe Schoolcraft, *Travels in the Central Portions of the Mississippi Valley*, (New York, 1825), 227.

[7] Brackenridge, *Views of Louisiana*, 140. He said that personalty had fallen "two hundred percent", although what he could have meant I am at a loss to know. I should think that one hundred percent devaluation would wipe out value completely.

of logs, planted erect in the ground, or erect on the comb of a wall. Sometimes, instead of with these posts, they were built with a simple framework made of corner posts and cross-ties, the intervening space being filled with "cat and clay", a paste made of mud mixed with cut straw or Spanish moss. When this dried it was whitewashed. Chimneys were usually built in this manner with converging corner posts, so that they were about half as large at the vent as at the hearth. Houses were from twenty by twenty feet to twenty by forty feet in floor area. They had low ceilings and roofs with little slope. They were roofed with large shingles or clapboards, with a lap of three in four, laid on poles, stretched across, while the ends were pinned down with wooden pegs to the corners and frame. The interiors consisted of from two to five rooms (sometimes more) and the household was fed from a lean-to or detached kitchen. There was usually not more than one window to a room; windows were made of glass panes, usually eight by ten inches in size. These windows were swung and hung like doors. If the chimney was built in the middle of the house, it was usually made of stone. Floors were of slats, puncheons, or well-waxed joined planks, depending on the affluence of the householder.[8] The wood used in these structures was usually cedar.[9]

In the gardens around the houses fruit, flowers and vegetables were raised. Stables, barns, and negro quarters were at the rear of the lots.[10]

The larger of these houses had high, well-lighted cellars with outside entrances, used for general storage. Cellar-less householders usually had a small detached building for the same purpose.[11]

The show-place among early dwellings was the Auguste Chouteau house. This was surrounded by a high stone wall, pierced for muskets. It had a veranda on four sides, was two stories high (as was the veranda) and had the usual slightly sloping roof. The lower floor of the veranda was later housed-in to provide additional rooms. It had a cellar and a large attic, and the rooms and halls were generally large.[12]

Typical house plans during the Spanish regime were: (1) the one room house with one chimney; (2) the house with a chimney

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[8] J. Thomas Scharf, *History of St. Louis City and County*, (2 vols., Philadelphia, 1883), I, 279-280.

[9] Brackenridge, *Views of Louisiana*, 61.

[10] Pierre Chouteau Collection, Undated Papers and Typewritten Copies, Missouri Historical Society.

[11] *Ibid.*

[12] *Ibid.*

between two rooms; and (3) the house with a hall between two chimneys, each flanked by one or two rooms. The Chouteau house was of the third plan.[13]

Variations on these styles there were, of course. Some of the houses in the early American period had walls of plaster and rubble, or stone, three feet thick.[14]

These small French houses survived well into the period of St. Louis history that can be called the American period, as is shown by Flint's remark in 1828:[15]

> Their cabin shows well at a distance; and the mud daubing is carefully white washed. They have gardens neatly laid out, and kept clean of weeds.

Such hardware as was used, before American enterprise set up establishments to provide metal work locally, came from New Orleans.[16] The mason work of the French period was good, but carpentry was accounted of poor quality by mechanically-minded Americans.[17] It is a significant commentary on the state of society (more particularly belonging to a survey of morals than in a study of material customs) that before the American influx, locks were rarities, as were strong-boxes and safes.[18]

As might be expected, when American immigrants began to arrive in considerable numbers there was an acute housing problem. However, profiteering was no vice of the Creoles, as Brackenridge implied when he said, "Hospitality was exercised as in the first ages, for there were no taverns."[19]

In some cases it was possible to rent houses from the French, as did Lucas from Cerré in 1805, but, after all, the French had built their houses to live in, not to rent. By 1808 houses were rented from time to time through advertisements in the *Missouri Gazette*. Brackenridge said (1814) that every house was crowded, rents were high, and it was exceedingly difficult to find lodgings on any terms.[20] This transition from open hospitality to competitive renting took but a decade.

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[13] Scharf, *op. cit.*, I, 308. He claimed that the Delawares and Shawnees built two-story log houses at Cape Girardeau before any such appeared in St. Louis.

[14] *Ibid.*, I, 316.

[15] Timothy Flint, *A Condensed Geography and History of the Western States, or The Mississippi Valley*, (2 vols., Cincinnati, 1828-1832), II, 106.

[16] Paul Alliot, "Historical and Political Reflections on Louisiana", in James A. Robertson (ed. and tr.), *Louisiana under the Rule of Spain, France and the United States, 1785-1807*, (2 vols., Cleveland, 1911), I, 139.

[17] Louis Houck, *A History of Missouri*, (3 vols., Chicago, 1908), II, 231n, quoting John Reynolds.

[18] Scharf, *op. cit.*, I, 316.

[19] Brackenridge, *Views of Louisiana*, 134.

[20] *Ibid.*, 123.

The newcomers had no other recourse than to build their own homes. Typical of the wealthier newcomers was Colonel Hammond, successor in the government to Amos Stoddard, who built a "Virginia style" house, of frame, with stairs and chimneys outside.[21]

It was not until seven years after American occupation that the first brick house was built. Of the previously built stone houses, none was imposing except the Chouteau place, which served as home, "Residency", bank, trading post, practical fort.[22] Brick was first offered for sale in town in 1811,[23] although it had been brought from France to the Illinois country as early as 1722.[24]

The building boom of the second decade of the century was thus described by Flint, with a certain amount of flag-waving:[25]

> In 1814, there were but few American houses in the place. There were a few stone houses covered with plaster. . . . With the exception of two or three aristocratic establishments, when contemplated near at hand, the houses were mean, frail and uncomfortable establishments. The streets were narrow and dirty; and it was in fact, on the whole, a disagreeable town. Soon after that time, a new impulse was given to the town by American laws, enterprise and occupancy. Most of the houses that have been added within the last ten years, have been of brick or stone. . . . The town has extended itself along the hill, and some of the best houses are on that delightful elevation.

He added that in 1818 one hundred houses had been built, and that the chief influence of the French in this matter had been the communication of their taste for gardening, whereby "there are a number of very handsome gardens in and about the town".[26]

With building steadily going on in ever increasing volume from 1805, it was but natural that building supplies should be sold, and a few years later manufactured, here. Castings, hardware, wrought and cut nails of different sizes, planks, etc., were advertised in the early issues of the *Gazette*.[27] Carpenters were in demand at the same time,[28] and by 1810 dry-goods, hardware, china, queensware, iron and steel castings were traded in regularly.[29]

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[21] Scharf, *op. cit.*, I, 314.
[22] *Ibid.*, I, 307-308.
[23] *Missouri Gazette*, October 3, 1811.
[24] Frederic Louis Billon, *Annals of St. Louis in Its Early Days*, (St. Louis, 1886),299.
[25] Flint, *Geography and History of Western States*, II, 97.
[26] *Ibid.*, II, 97-98.
[27] *Missouri Gazette*, July 26, 1808; February 22, March 8, 1809.
[28] *Ibid.*, May 31, 1809.
[29] Houck, *op. cit.*, III, 193.

Of local manufacture of the ironware needed for building, blacksmiths and gunsmiths had an obvious monopoly. St. Louis added smiths to its population in 1811 and 1814, and a nail factory came into existence in the latter year.[30] This concern offered nails in sizes from four-penny to twenty-penny.

St. Louis was almost driven to the use of brick, mortar and stone by the end of the third decade of the century, when wood for fences and houses was becoming scarce in all settled areas of the state. Other sections of the country bought lumber from a distance, at prices which led to the destruction of great areas of Mississippi Valley forests; but this community was fortunate in having suitable clay for bricks immediately at hand, together with vast deposits of limestone within easy access.

Heating was accomplished by the use of wood, for even up to the late 1830's it was cheaper to buy firewood that had been rafted down the Mississippi and Missouri rivers than to pay for coal, which was mined almost entirely by man power. Coal was known and used to a limited extent as early as 1814, when Brackenridge predicted a great future for the industry, but wood remained the heating element for decades.[31] (Smiths used charcoal, often produced by themselves, and almost always manufactured locally.)

2. Furnishings

Most St. Louis houses in the Creole days were too small to contain much furniture. Usually each of the *habitants* had a bedstead and bedding, a table, chairs, a cupboard for utensils, and a chest for clothing. The richer had wardrobes, bureaux, clothes presses.[32]

The furniture of one, Jean Butard, in 1771, may be taken as a typical stock. It consisted of: 1 beaufort bedsheet; 1 feather-bed with skin covers; 1 buffalo robe; 1 pillow; 1 couch; 7 pewter spoons; 1 plate; 2 iron forks; 1 pair of scissors.

Most tables, chairs and chests were made locally. The more prosperous had such items made of New Orleans mahogany. Late in the eighteenth century the best furniture of New Orleans and of France began to appear. Silverware and ornaments from Spain, France and Canada were owned by some. In the matter of household interiors the Spanish officialdom set the pace. Pictures were

[30] *Ibid.*, III, 187-188.
[31] Brackenridge, *Views of Louisiana*, 68, 157.
[32] Billon, *op. cit.*, 82-83.

rare, as were cabinets, *etagrés*, etc. Expensive furniture was made from designs of France and the West Indies, in mahogany and rosewood: four-poster beds, cabinets, tables, chairs, sofas, bureaux, all richly carved.[33]

Despite the mention of chests for clothes, the most common arrangement for their storage was simply that of pegs in the walls. On these pegs were hung the women's wardrobes. Men were usually wearing most of their clothes.[34]

Scharf summarized the furniture situation with partial exactitude when he said:[35]

> There was not any great display of wealth in furniture, upholstery, silver- and china-ware, even after luxury had stalked boldly in; but these neat and tasteful French housekeepers made a little go a long way. There were no carpets (none says Mr. Darby until 1816), but the walnut floors, nicely laid and smooth, were carefully and elaborately waxed every morning.

This description applies only to the homes of the affluent. It is to be noted that in the same passage, farther on, he says there were no pianos during the French period.

Lieutenant Antonio de Oro, who died at Ste. Genevieve in 1787, possessed a copper clock valued at two dollars. His estate was appraised at $1796.75.[36] Auguste Chouteau's library was reported by Brackenridge to have been "one of the largest private libraries I had ever seen",[37] and Brackenridge had undoubtedly seen many. These things, clocks, books, and such like articles that could, on a frontier, be considered not quite necessary to the support of life, were present in numbers, probably in larger numbers than on any of the American frontiers within the United States territories; but the majority of people went through life without them. They are important, not for their presence but for their absence.

Containers for liquids have always been difficult for pioneers to procure. Today, with bottles frequently being just things to discard when empty, it is interesting to note that listed among the

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[33] Pierre Chouteau Collection.

[34] Scharf, *op. cit.*, I, 298.

[35] *Ibid.*, I, 313. Scharf's picture is altogether charming, but it must be remembered that Scharf, while broad and accurate in other matters, was prone to write the social history of St. Louis as the history of what he might have called "the better classes". Scharf was, after all, the man who discussed the part played in St. Louis life by the pleasure-seekers of the military garrisons, without once mentioning the enlisted men.

[36] Billon, *op. cit.*, 246-247.

[37] Brackenridge, *Recollections*, 231.

effects of Jean Delage were five empty bottles.[38] According to Houck, early cooperage was confined to the making of water buckets.[39]

Other utensils were equally scarce. Kettles, pots, (hoes, guns), etc., being of metal and necessarily imported during the town's first half-century, were prized highly and carefully looked after.[40]

Stoves were almost unknown during the French period, fireplaces furnishing warmth and a place to cook. They were often enormous with cranes on either side, and many pots, kettles and Dutch ovens to hand. Logs were laid on long andirons, which supported a cross-bar on which were hung kettles and game, by means of pot-hooks. Other familiar implements were great cooking spoons. The fire was kept at its hottest by a bellows. Many other articles of kitchen furniture are known to us today by name only.[41]

The walls of the usual kitchen were covered with tables, cupboards and shelves.

Later American arrivals usually did not have so great a store of kitchenware as their predecessors had, limiting themselves to a few iron pots, a gridiron, a frying pan, a Dutch oven, and had no tinware unless, perhaps, a coffee pot.[42]

It is interesting to note that the churn was unknown in Creole homes.[43]

Among the curiosa of Creole furniture was the *rondin*, defined as a large wooden roller which was used to run over the sheets in order to make the beds perfectly smooth before retiring.[44]

Coupled with the housing boom previously noted there was a complementary increase in the local manufacture of furniture, for the new houses. Advertisements for cabinet makers appeared in the earliest issues of the *Gazette*[45] and continued to as late a date as the writer has investigated.[46]

A Ste. Genevieve firm, advertising in St. Louis,[47] announced that it had for sale plain and figured "Leno's", which were probably

[38] Billon, *op. cit.*, 114-115.
[39] Houck, *op. cit.*, II, 231n.
[40] *Ibid.*, II, 232.
[41] Pierre Chouteau, "Domestic Life in Old St. Louis", MS., St. Louis Reminiscences, St. Louis Papers, Missouri Historical Society.
[42] Scharf, *op. cit.*, I, 299.
[43] Brackenridge, *Views of Louisiana*, 136-137.
[44] Eugenie Berthold, "Glimpses of Creole Life in Old St. Louis", MS., St. Louis Reminiscences, St. Louis Papers, Missouri Historical Society. This account was also published in the "Glimpses of the Past" series of the Society.
[45] *Missouri Gazette*, May 24, 1809.
[46] *Ibid.*, October 20, 1819.
[47] *Ibid.*, January 11, 1809.

thin cotton gauze used for window shades. Perhaps it was also used for window screens.

Benjamin Bakewell and Company, of Pittsburgh, advertised[48] all kinds of glassware, from tumblers through lamps and thermometer tubes to ink bottles, (which advertisement is also a significant commentary on the extent of early St. Louis trade with other sections of the United States *before* the first steamboat visited the Mississippi port.)

Both Ste. Genevieve and St. Louis business men dealt in household ware, a typical announcement of which is H. Austin's general assortment of "Queen's pencil'd and enamel'd Ware".[49]

A pottery was established locally in 1816,[50] and a complete assortment of such utensils could be purchased in the town from that time on.[51] Metal containers and implements such as stills, fullers' kettles, hatters' kettles, wash kettles, stew and tea kettles, were manufactured in St. Louis after July, 1817.[52]

Changes in cooking and heating methods are shown by the fact that the jail had a stove as early as 1806,[53] and that "Ten plate stoves" were sold by 1808.[54] "Mould candles" were always to be found on sale after 1813, and constituted a chief source of light thenceforward.[55] There was no thermometer in St. Louis in 1808 (although legend has it that Dr. Saugrain made one several years previously), but by 1815 the *Gazette* was printing the weekly temperature readings as a matter of course.

About the middle of the period 1810-1820 the niceties of house furnishings began to be distributed on a larger scale. Significant is the notice of a "Pianoforte for sale",[56] which, although it did not command a ready sale (being advertised steadily for over two months), shows that surplus wealth had been transformed into something of practically no economic utility. Clocks were increasingly available after 1812.[57] Mirrors were sold all through the following decade, and house luxuries were definitely established toward the close of that period when such items as silver soup ladles, sugar tongs and tea spoons were usual matters of trade.[58]

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[48] *Ibid.*, June 7, 1809.
[49] *Ibid.*, January 11, 1808.
[50] Houck, *op. cit.*, III, 190.
[51] *Missouri Gazette*, October 4, 1817.
[52] *Ibid.*
[53] Frederic Louis Billon, *Annuals of St. Louis in Its Territorial Days*, (St. Louis, 1888), 12.
[54] *Missouri Gazette*, November 30, 1808.
[55] *Ibid.*, November 27, 1813.
[56] *Ibid.*, August 12, 1815.
[57] Houck, *op. cit.*, III, 188.
[58] *Missouri Gazette*, October 20, 1819.

From this collection of data one very probable generalization seems legitimately derived: The material life of St. Louis, as illustrated by the history of the satisfaction of the need for shelter, was almost completely Americanized in the years between the purchase of the territory and the admission of Missouri into the Union.

In addition to this rather easily defended conclusion, other stimulating facts are hinted at. These "hints" are certainly much less defensible, but other changes in daily life and in the general culture of the place, which are strongly intimated by this narrow survey, seem worthy to be summarized (as hypotheses), as follows:

1. Liberal and completely generous hospitality gave way to commercial, competitive satisfaction of strangers' needs.

2. The increasingly prevalent practice of purchasing building materials and furniture from specialists in those lines, rather than home manufacture, indicates the beginning of the industrialization of St. Louis, as early as the second decade of the nineteenth century.

3. With the appearance of employers of local labor for local purposes, on a relatively large scale, the number of those employed by others, and perhaps the percentage also, increased.

4. Where previously the town had *entrepreneurs* who dealt in the wealth of the wilderness and in manufactured goods to trade for that wealth, here was added a group which made its profits from the exploitation of the needs of St. Louis itself. (That is, to give a concrete example, the leading enterprisers of San Luis de Ylinoa procured Sioux peltry and sold to well-to-do Englishmen. But many of the leading enterprisers of St. Louis, Missouri, transformed the local raw materials into articles of utility and sold to well-to-do St. Louisans. This would be a natural but important change in the economic organization of the community.)

In conclusion, there are two limitations on these hypotheses which probably must be emphasized lest they be misconstrued. First, the increase in the number (and percentage?) of those of the employed group— I hesitate to use the word "class"— probably does not indicate the rise of the proletariat in the modern sense of the word. These new employes, it seems from such data as I have presented, were chiefly craftsmen for whose services the demand apparently exceeded the supply. Thus they should have been so situated economically and socially as to be able to hold their own

with their employers while bargaining as individuals. Second, the change in the complexion of the employing group should not have had much to do with the rise of any great amount of class-consciousness. Class-consciousness has historically arisen only when those of a less wealthy economic order conclude that they are condemned to life-long servitude in the station to which it has pleased the economic system to call them. It seems improbable that such an attitude was to be found in St. Louisans of those times, since economic freedom through land ownership was at all times readily available if desired.[59]

[59] A very difficult, but also very interesting and profitable approach to the problems raised by these hypotheses, would be an investigation of the origins of these new workers to learn whether they came chiefly from rural or urban districts of the East, since the products of such urban centers as there were might easily have been incapable of agricultural labor, through lack of skill and proper physique. However, investigators along economic lines in this field will find their work cut out for them. The economic history of this perhaps most important city of the old Illinois country has (except for the fur trade) been almost completely ignored.

MISSISSIPPI RIVER ICE AT NEW ORLEANS

By JOHN C. L. ANDREASSEN[1]

There are a few who have considered the story of ice in the Mississippi at New Orleans in the same light as the Fink, Crockett, Henry, and Bunyan folklore of another day. However, no serious question as to the authenticity of colonial accounts of this unusual phenomenon has been raised in the past, and none would be now, except for the discovery of a contemporary manuscript which partially alters the old tale while making it the more plausible. Secondary accounts of this singular occurrence seem to have been based on a brief description of the event by Fray Antonio De Sedella, better known as Pere Antoine[2] of Saint Louis Cathedral. He wrote, apparently from memory:

> En el verano del año de 1783 pasaron por este Rio de Mississippi una tan grande cantidad de nieves, que causaron el mayor estrago, pues las embarcaciones no podian traversar el Rio de la confusion de montañas de nieve, que cubrian toda la surfacia de dicho Rio, Lo que se anota aqui para que sirva de epoca a la posteridad,[3]

which freely translated reads:

> During the summer of the year 1783 snow (ice) floated through the Mississippi River in such amount that caused very serious damages, as no craft could cross the river on account of the obstacle presented by the masses of snow (ice) that covered the whole surface of said river, and this is hereby recorded so that it may be used as information for posterity.[4]

The manuscript which verifies the fact that ice in quantities actually passed New Orleans, but changes the time, and limits the duration of the flow, was found in the Favrot Collection.[5] The

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[1] State Director, Historical Records Survey.

[2] *Cf.* Clarence Wyatt Bishpam, "Fray Antonio de Sedella," in *Louisiana Historical Quarterly*, II, (1918), 24-37, 369-92.

[3] This is a marginal note in the "Marriage Records for White People", Register I, p. 152, Saint Louis Cathedral, New Orleans, Louisiana.

[4] Translations of both documents are by Dr. Gaspar Lugano, Assistant Supervisor, Historical Records Survey.

[5] This manuscript is numbered 183 of the *"Favrot Collection"* belonging to Mr. H. Richmond Favrot, who loaned it for restoration and preservation to the Louisiana State Museum (Cabildo). The Collection is listed by the Museum under accession number 10008, and is presently being calendared by the Historical Records Survey, a Federal Project under the Women's and Professional Division of the Works Progress Administration. Mr. Favrot has kindly consented to the publication of this manuscript.

place and date line, the last paragraph, and the signature are in the hand of Villars. On the back of the last page is written in pencil: "Gotten from Mr. Tonteb now keeper of archives and librarian of Minister of Colonies in Paris." This note is undated and unsigned.

TRANSCRIPT

Nouvelle-Orleans, ce 25 Fevrier 1784

Monseigneur:

Nous avons éprouvé et nous éprouvons encore ici un hiver des plus rigoureux et qui paraîtra toujours un phénomène extraordinaire sous le paralelle de 30 degrés. Le bas de cette colonie, quoique de 12 degrés plus sud que la Provence, jouit, en général, de la même température. L'été y est excessivement chaud et l'hiver n'y a que le degré de froid suffisant pour y glacer, de tems à autre, la surface des eaux stagnantes et préparer le rajeunissement de la nature. Mais (p.2) l'hiver actuel nous a présenté sans-cesse le spectacle du bouleversement des zones. Dès les mois de Juilliet et d'Août nous avions resenti des vents de nord assez froids pour nous faire dépouiller la légereté ordinaire de nos vêtemens. Les chaleurs de la canicule n'avaient eu que la température douce des beaux jours du printems. Les gelées blanches du matin commencerent avec le mois de 7.bre et devinrent très fréquentes jusqu'au 15 de Novembre. A cette époque la saison prit un caractère de rigueur extraordinaire. Les vents soufflerent continuellement, par bourasques et avec une violence inouie, du nord au sud en passant par l'Est. Dans le (p. 3) premier demi-rhumb ils couvraient la terre de glaces; dans le second nous remenaient aux chaleurs du mois d'Avril. Les variations du tems furent telles que je vis plusieurs fois, dans l'espace de six heures, le thermomètre de Réaumur passer du 20 degré au-dessus de la glace, à 2 et 3 au-dessous; ce fait paraîtra incroyable, mais je l'ai constaté moi-même avec un thermomètre placé dans une chambre à feu. Quelle rigueur sous un latitude où, partout ailleurs, on jouit d'un Été perpétuel. Mais voici un autre phénomène.

Le 13 de Février le Mississippi, devant la N.elle Orléans, fut couvert de glaçons dont la plus part avaient de 12 à 30 pieds (p. 4) de diamètre, sur une épaisseur générale qui variait de 2 à 5 pieds. Ces masses étaient si multipliees et si serrees qu'elles formaient un banc de 200 toises de largeur, de façon que la communication

entre les deux rives fut totalement coupée pendant cinq jours entires, jus-qu'au 18. Le fleuve cessa de charier à cette époque, il avait alors une rapidité de 1200 toises à l'heure, ce qui donne à la masse de glaces une longueur de 60 lieues. Ces glaces descendaient de 400 lieues au nord et, quoiqu'elles navigassent continuellement au sud pendant un espace de plus de 30 jours, les froids qu'elles rencontrerent sous des latitudes plus basses, les avaient empêché (p. 5) de se dissoudre.

Ces masses arriverent aux passes du Mississippi par le 29.3 paralelle et doivent a'être étendues au dela du 28.e. Plusieurs bâtiments les ont rencontrées entre ces deux paralelles. De mémoire d'homme on n'avait j'amais vu de glaces dans les environs du cercle de la mer pacifique.

Puisse ce phénomène n'avoir pas été funeste à quelques navigateurs surpris! La suite nous apprendra peut-être jusqu'à quelle latitude exacte ces masses auront été transportees par les vents et les courans.

Il serait bien singulier que quelques unes fussent parvenues jusqu'au tropique. Je me suis étendu sur cet évennement, et j'ai cru devoir vous en rendre compte, (p. 6) Monseigneur, parceque je pense que sa connaissance peut être utile aux observations des phisiciens et sourtout à prevenir et à garantir le commun des navigateurs, contre les faux raissonnemens et les accidens de la surprise, s'ils étaient poussés vers de parages ou un semblable phénomène se renouvellerait.

Je suis avec un profond respect, Monseigneur, votre très humble et très obeissant serviteur.

(signed): VILLARS.

Translation

Monseigneur:[6]

We have experienced, and we are still experiencing here one of the most severe winters which will always be considered as an extraordinary phenomenon under the parallel of 30 degrees. The lower part of this colony, although 12 degrees further south than Provence, has, usually, the same temperature. The summer here

[6] The identity of "Monseigneur" is not given. It is probable that in the present case the appellation may refer to a high executive of the French Government and perhaps to the Ministre Secretaire d'Etat, or the Minister of Colonies.

is excessively hot and the winter only cold enough to freeze from time to time the surface of the stagnant waters and prepare the rejuvenescence of nature. But the present winter has presented us incessantly the spectacle of the overturning of the zones. Since the months of July and August we have experienced winds from the north cold enough to make us lay aside the ordinary lightness of our wearing apparel. The heat of dog-days had only the mild temperature of the beautiful days of spring. The white frosts of the morning began with the month of September and became more and more frequent until the 15 of November. At this time the season assumed a character of extraordinary rigor. The winds blew continuously by squalls and with unheard of violence from north to south by passing through the east. During the first half-rhumb[7] the winds covered the ground with ice; during the second they brought us again the temperature of the month of April. The variations of the weather were such that I saw many times, within the period of six hours, the thermometer Reaumur drop from 20 degrees above zero to 2 and 3 degrees below;[8] this fact may appear incredible but I have verified it myself with the thermometer placed in a room with a fireplace. What a rigor under a latitude on which, elsewhere, there was enjoyed a perpetual summer!

But here is another phenomenon. On 13 February the Mississippi river in front of New Orleans was covered with pieces of ice measuring from 12 to 30 feet across with a thickness varying from 2 to 5 feet. These large blocks of ice were so numerous and so close together that they formed a bank 200 toises[9] wide so that the communication between the two banks was completely cut off during five entire days, until the 18.

The river at this time became clear of ice; its current, at that time, had a speed of 1200 toises per hour, and this gives the whole mass of ice a length of 60 leagues. This ice descended from 400 leagues north and although it moved continuously south during a period of more than 30 days, the cold it found under lower latitudes prevented its melting.

These masses of ice arrived at the passes of the Mississippi

[7] Rhumb—One of the 32 points of the Mariners' compass, separated by arcs of 11° 15'. Also: one of these arcs or divisions. Also: a line or course crossing successive meridians at the same angle.

[8] From 77° to 27° 5' and 25° 4' Fahrenheit. Réaumur is used to denote a thermometer or thermometric scale in which the freezing point of water is 0° and the boiling point 80°. It was introduced about 1730 by the French physicist René Antoine Ferchault de Réaumur (1683-1757).

[9] One toise is equivalent to 6.39459 feet.

river, under the 29th parallel of latitude, and must have extended beyond the 28th. Many vessels found the ice between these two parallels. Within the memory of man never has ice been seen in the vicinity of the circle of the Pacific Sea.[10] Maybe this phenomenon has been fatal to some unwarned navigators!

Later on we might learn the exact latitude to which these masses have been drifted by the winds and currents. It would be quite exceptional if some of this ice has reached the tropics. I have dwelt at length on this event, and I thought it my duty to give an account of it, Monseigneur, because I think that the knowledge of it might be useful for the observations of the physicists and especially might serve to warn and guard the generality of navigators against the false impression and accidents of surprise if they happen to be carried into waters where such a phenomenon might recur.

I am with profound respect, Monseigneur, your very humble and very obedient servant.

(signed): VILLARS[11]

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[10] This may be a reference to the parallel of Capricorn (23° 27') where the seas are normally calm.

[11] The Villars Dubreuil (or Du Breuil) family was among the early settlers in this section of Louisiana. One of the first Villars was a distinct figure in agricultural and industrial activity (agricultural machinery) in colonial Louisiana.

NAPOLEON'S CESSION OF LOUISIANA: A SUGGESTION

By RICHARD R. STENBERG

As to the real cause or causes of Napoleon's decision to give up Louisiana early in April, 1803, historians have variously conjectured, although there is now a fairly general agreement that the ultimate chief cause was the pressure of the United States: Talleyrand and Napoleon confessed privately, both at the time and later, that they had given up Louisiana to prevent a breach with the United States, and this was well understood by Livingston, Monroe and Jefferson.[1] Napoleon's publicly avowed motives, of fear lest Louisiana fall into England's hands and of desire to erect the United States into a formidable power to offset England, were doubtless but graceful pretexts to cover his diplomatic defeat; C. E. Hill even suggests that perhaps Napoleon actually sought war with England "under cover of which he might withdraw from a [colonial] policy dear to the French."[2] Henry Adams, who rejected Napoleon's public motives, was inclined to look upon Napoleon's disaster in Santo Domingo as the chief of the several factors operating to cause the cession; but was not satisfied with this and said that Napoleon's "real reasons . . . remained hidden in the mysterious processes of his mind."[3] A. P. Whitaker recently suggests that the Spanish order of March 1, 1803, reopening the deposit at New Orleans to the Americans "left the French no alternative to the sale of Louisiana."[4] All this is good as far as it goes, but it seems to the present writer that historians hitherto

[1] E. W. Lyon, *Louisiana in French Diplomacy, 1759-1803* (1934), 203-206; S. M. Hamilton, ed., *The Writings of James Monroe* (1898-1903), IV, 48-49, 101; Livingston to Watson, June 25, 1803, in W. C. Watson, *Men and Times of the Revolution; or, Memoirs of Elkanah Watson* (1856), 342; Gilbert Chinard, *Thomas Jefferson* (1929), 420.

[2] C. E. Hill, *Leading American Treaties* (1922), 86-87. Yet S. F. Bemis, *A Diplomatic History of the United States* (1936), 134-135, clings to the old traditional view, sponsored by Napoleon, that "events in Europe"—*i. e.*, Anglo-French relations—caused him to cede Louisiana. The cession also provided Napoleon a ground for alleging a new grievance against England.

[3] Henry Adams, *History of the United States under Jefferson and Madison* (1889-1891), I, 377-398; II, 63-65; Adams, "Napoléon I et Saint-Domingue," in *Revue Historique*, XXIV (1884), 92-130. Yet even despite the Santo Domingo fiasco Napoleon continued his plans of occupying Louisiana. C. L. Lokke, "Jefferson and the Leclerc Expedition," in *American Historical Review*, XXXIII (1928), 322-328, points out that Jefferson tacitly supported Napoleon against Toussaint.

[4] A. P. Whitaker, *The Mississippi Question, 1795-1803* (1934), 234-235; Whitaker, "France and the American Deposit at New Orleans," in *Hispanic American Historical Review*, XI (1931), 493-501.

have largely left out of the picture one of its vital features—by largely ignoring, or passing over as of no consequence, the evidence pertaining thereto.

In the autumn of 1802, after many delays, Spain finally relinquished Louisiana to France under pledge that she would never part with it save to return it to Spain. But Spain still clung desperately to the Floridas. Napoleon's inability in his negotiations at Madrid in 1802-1803 to induce Spain to yield the Floridas was a deep disappointment and possibly a decisive factor in his decision to yield Louisiana. And rather than return it to Spain (from whom the Americans would eventually have taken it anyway) he decided to make it both serve his treasury and at the same time cancel the American claims against France. At Spain he was infuriated, because of her long delay in transferring Louisiana (which gave time for the United States to become aroused against his plans), because of her reopening of New Orleans, and above all because of her refusal to cede him the Floridas—which cession would have provided him the means of conciliating the United States and thus have enabled him to keep Louisiana, including New Orleans. That Napoleon entertained such plan of appeasing the United States—until it was blasted by Spain's unexpected refusal to cede even West Florida—is suggested by the evidence which has been overlooked.

When news reached Washington in 1801-1802 that Napoleon had procured Louisiana, and perhaps West Florida with it, Jefferson had thoughts of a British alliance but turned first to Madrid and Paris to see whether he could obtain any part of the Floridas and New Orleans. He instructed Livingston at Paris to try to obtain at least New Orleans and West Florida from France. Jefferson also used Du Pont de Nemours as unofficial agent, and was both threatening and cajoling towards France. Nemours begged him to be less threatening and more persuasive.[5] Livingston likewise was mildly threatening in his printed *Mémoire sur cette question: Est il avantageux à la France de prendre possession de la Louisiane?* presented to France in August, 1802. He argued that the colony would be of no economic value to France if the Mississippi was left open, and that if its navigation were curtailed the United States would be gravely alienated, and that England

[5] A. E. Bergh, ed., *The Writings of Thomas Jefferson* (1907), X, 317-318; Dumas Malone, ed., *Correspondence between Thomas Jefferson and Pierre Samuel Du Pont de Nemours, 1798-1817* (1930), 46-79.

might seize the province.[6] But Livingston did not really hope to deter Napoleon from carrying out his plans. In the fall and winter of 1802-1803 American apprehensions were deepened by the closing of the port of New Orleans by the Spanish Intendant, and in January Jefferson sent Monroe to assist Livingston in Paris.

In the fall of 1802 Napoleon, seemingly unperturbed, continued with his preparations, started in June, of a secret military expedition for the occupation of Louisiana. Talleyrand continually assured Livingston that France had neither acquired West Florida nor even actually received Louisiana from Spain, and evaded the New Orleans deposit question by indefinite assurances (which he would not reduce to writing). Livingston was none too hopeful. But the American demand for West Florida and New Orleans had given the First Consul ample cause for secret reflection and anxiety. Decrès, Minister of Marine, had warned Talleyrand in August, 1802, that "without the Floridas there could be no Louisiana."[7] Accordingly Joseph Bonaparte sounded Livingston in the latter part of October, 1802, asking him whether the United States would prefer Louisiana to the Floridas—a question which the American minister by no means interpreted as an offer of Louisiana.[8] Livingston's reply that "we had no wish to extend our boundary across the Mississippi" was doubtless gratifying. Napoleon had no intention at this time of yielding Louisiana, but perhaps wished to assure himself as to whether he might safely proceed with the Louisiana occupation if he should give the Floridas to the United States as a price for their good behaviour. At this same time, in October, 1802, the French administration was holding out hope to Jefferson, through Du Pont de Nemours, that as soon as France actually occupied Louisiana the United States would be ceded the Floridas for $6,000,000.[9] This not unlikely represented Napoleon's real intention—but it could not be distinctly avowed because such an avowal would most certainly have defeated his plans if it should reach the ears of Spain. Spain would not cede the Floridas wittingly for the Americans' benefit!

In November Napoleon urged the immediate departure of the Louisiana expedition, and instructed Beurnonville, his envoy at

[6] *American State Papers, Foreign Relations*, II, 520-524; *cf.* 534-537.

[7] *State Papers and Correspondence bearing upon the Purchase of the Territory of Louisiana* (Washington, 1903), 51.

[8] *American State Papers, Foreign Relations*, II, 525-526. In assuming this to have been an offer of Louisiana, and consequently inferring that the famous "bath" scene took place at this time (rather than in April, 1803). T. M. Marshall was no doubt mistaken.—Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841* (1914), 3-4.

[9] Gilbert Chinard, ed., *The Correspondence of Jefferson and Du Pont de Nemours* (1931), 63-64.

Madrid, to undertake new efforts to procure the Floridas (in exchange for Parma)—for he needed the Floridas in order to settle with the United States. Beurnonville's negotiations dragged on into the spring of 1803, and finally came to nothing—an outcome most disastrous for the First Consul's intended American negotiation. When Beurnonville's Florida negotiation began, however, Napoleon was of the belief that Spain could not refuse; Talleyrand and the Spanish minister at Paris so told Livingston, who wrote Madison: "It was never doubted a moment here that it would be effected."[10] But Napoleon counted and made plans without duly considering Godoy's truculent stubbornness!

Encouraged perhaps by Joseph Bonapart's conversation in October and other signs, Livingston on January 10, 1803—though having no instructions to cover his act—proposed to Talleyrand that France cede the United States West Florida and New Orleans and that part of Louisiana lying above the Arkansas River, France retaining the rest of Louisiana and East Florida. And he repeated his warning:

> The right of deposit which the United States claim, and never will relinquish, must be the source of continual disputes between the two nations, and ultimately lead the United States to aid any foreign power in the expulsion of the French from that colony.[11]

Livingston, who after the Purchase treaty of May 1 was rather garrulous and self-congratulatory over his success, pointed back to this overture as probably having had much influence upon Talleyrand; on that occasion, he assured Madison, he had "carefully concealed my want of powers, and acted as decidedly as if I had possessed them."[12] But, as a matter of fact, Napoleon had already (earlier in January) designated Bernadotte as minister to the United States, with intention, as it seems, of making material concessions to the United States—but awaiting and depending upon the outcome of Beurnonville's mission at Madrid.

To Napoleon's chagrin, the Louisiana fleet was still delayed. On December 7, 1802, the Prefect Laussat was ordered to go virtually alone to Louisiana to prepare to receive the province; he

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[10] Livingston to Madison, February 18, 1803, in *American State Papers, Foreign Relations*, II, 533; F. P. Renaut, *La Question de la Louisiane, 1796-1806* (1918), 94-97.

[11] *American State Papers, Foreign Relations*, II, 531.

[12] Livingston to Madison, June 25, 1803, in *ibid.*, II, 566. Voicing the customary view, Lyon holds that "Livingston's proposition fell on deaf ears" and that Napoleon had no intention of making any territorial concessions whatever until his decision in April, 1803, to give up Louisiana.—Lyon, *op. cit.*, 184.

sailed on January 10, 1803.[13] News of Beurnonville's frustration at Madrid had not yet reached France, and was as yet perhaps not expected. Or it may be that Napoleon had decided to take West Florida regardless of the outcome at Madrid. For doubtless Laussat exposed the intention and orders of Napoleon when, shortly after his arrival at New Orleans in March, he told the American Senator Dayton (who was there on a visit) that "when the troops then expected out from France (and which were actually embarked at Helvoetsluys, under Bernadotte . . .) should arrive, they would take possession [of West Florida] to the Perdido, without asking any questions of Spain."[14]

As seen above, the idea of using the Floridas to bargain with the United States and to buy his freedom of action in Louisiana and New Orleans had seemingly occurred to Napoleon as early as the previous October—but depended upon Spain's willingness to cede more territory. Early in January, 1803, he commissioned Bernadotte as ambassador to the United States, as Marbois says, "in the character of minister plenipotentiary of France . . . He was given to understand that it was in contemplation to cede to those states a part of Louisiana, and that he would be employed in the negotiation."[15] It was intended that Bernadotte should sail with the Louisiana fleet—which, however, never left France. Livingston also testifies as to the purpose of Bernadotte's intended mission, writing on January 7:

> In a conversation which I yesterday had with General Bernadotte, I find that some idea is at present entertained by the First Consul of treating at Washington of the several matters I had the honor to mention . . . [*i.e.*, Florida, deposit, American claims, etc.][16]

After the Purchase treaty Livingston wrote similarly that prior to April Napoleon, through his brother Joseph, had "given me assurances that such arrangements should be made as we should approve."[17] DuPont de Nemours, after conversations with Talleyrand, reported similarly to Jefferson early in March, 1803, that Bernadotte was commissioned to arrange matters with the United

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[13] *Ibid.*, 137.

[14] C. F. Adams, ed., *The Memoirs of John Quincy Adams* (1874-1877), IV, 220; Dayton in *Annals of Congress*, 8 Cong., 1 sess., Pt. I, 47-48.

[15] F. Barbé-Marbois, *The History of Louisiana* (1830), 204-205; *cf.* Talleyrand to Livingston, February 19, 1803, in *American State Papers, Foreign Relations*, II, 546. On date of Bernadotte's appointment, see Lyon, *op. cit.*, 116; F. A. Ogg, *The Opening of the Mississippi* (1904), 579 note.

[16] *American State Papers, Foreign Relations*, II, 536.

[17] *Ibid.*, II, 573.

States at Washington, and that Jefferson could hope to retain free use of the Mississippi and a deposit in exchange for commercial concessions to France and could hope also to receive some territory for a suitable compensation.[18]

Napoleon's hand was now soon forced by circumstances. One was the rise of American hostility: in February and March Congress debated resolutions authorizing the President to call for 50,000 volunteers to take possession of such places on the Mississippi as he might think suited for deposit. Another was Spain's withdrawal, on March 1, of her order suspending the deposit at New Orleans in 1802; this action might make more difficult, but by no means impossible, France's reclosing of New Orleans and selection of another place on the lower Mississippi as American deposit (the treaty of San Lorenzo of 1795 having guaranteed the United States a place of deposit on the lower Mississippi, but not necessarily at New Orleans).[19] But probably the most important and decisive factor was France's disconcerting failure at Madrid to procure the Floridas or even West Florida,[20] which Napoleon probably intended to hand over to the United States so that he might have free and untrammeled occupation and disposition of Louisiana and New Orleans. The supposition of historians that Napoleon would have kept the Floridas or West Florida (if it alone was procured and fortified this territory as a defence to Louisiana would seem less probable. But not being able to get Florida territory with which to appease the United States, Napoleon saw it would be necessary to yield New Orleans to the Americans to save Louisiana; and since without control of New Orleans the colony would be of little commercial value he perceived that it was his best policy, and so he determined early in April, to sell the whole of Louisiana to the United States. He entrusted the negotiation to Marbois, saying: "I want fifty millions, and for less than that sum I will not treat; I would rather make a desperate attempt to keep these fine countries."

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[18] Gilbert Chinard, *The Correspondence of Jefferson and Du Pont de Nemours* (1931), 69-71; Chinard, *Jefferson*, 407-409.

[19] Talleyrand declared to Spain in June, 1803, (after the Purchase treaty) that France had ceded Louisiana to the United States because Spain by revoking her New Orleans closure had "put to flight" France's hopes of closing New Orleans and of assigning to the Americans "another place of deposit, less troublesome to the colony." With Henry Adams, the present writer is inclined to consider this statement a pretext by which France sought to excuse her base betrayal of her pledge to Spain.—Adams, *History of the United States*, II, 61-62. Despite the Spanish action as to New Orleans, France could have assigned another place of deposit to the Americans if she had had the Floridas or even West Florida with which to mollify the United States. See, *per contra*, Whitaker cited in note 4 above.

[20] Renaut, *op. cit.*, 94-97; H. Adams, *op. cit.*, I, 402-403.

Livingston himself, after the Purchase treaty, stressed the significance of Napoleon's Florida negotiation of 1802-1803; he said that the First Consul had been shown his proposition of January 10, for a Franco-American territorial arrangement, and had

> approved my proposition, in part, but not to the extent I had proposed. *I am satisfied that from this period they had determined to let us have New Orleans, and the territory above the Arkansas, in exchange for certain commercial advantages; and that, if they could have concluded with Spain, we should also have had West Florida: but that nothing could be done until that* [Florida] *business was terminated.* . . . The First Consul, too, had conceived an idea that by taking possession of the country, he could more advantageously treat with our Government: and *Mr. Talleyrand accordingly told me several times, in general terms, that every thing would be arranged;* but that they must first take possession. After General Bernadotte was appointed, he assured me that he should have powers for this purpose . . . I have no doubt that it has long been their intention to make the arrangements I proposed, in exchange for commercial advantages . . . Mr. Talleyrand told me [on April 11] that if they gave what I asked the rest was not worth keeping.[21]

Livingston was probably wrong in thinking that Napoleon had intended to include New Orleans in his territorial cession to the United States, or even the Louisiana territory north of the Arkansas; but was very likely correct in surmising the First Consul's intention regarding such Florida territory as he should be able to procure from Spain. In view of Napoleon's probable intention, it was somewhat ironical that Livingston strenuously encouraged Spain not to yield the Floridas to France! This is explained by Livingston's not feeling absolutely sure that Napoleon would cede them to the Americans if they came into his hands. While, for his part, Bonaparte dared not avow his intention prior to Spain's delivery of Florida—lest such avowal reach Spain and defeat his plans! In refusing to yield the Floridas to France, Godoy privately rejoiced at having therewith rendered Napoleon's Louisiana precarious and embarrassing (in 1796 France had actually refused to accept Louisiana because at least West Florida was not included); and Godoy in this refusal and in reopening New Orleans to the Americans no doubt hoped that Napoleon would soon find himself forced to restore Louisiana to Spain under his pledge of

[21] Livingston to Madison, May 12, 1803, in *American State Papers, Foreign Relations*, II, 558. Livingston probably gave undue weight to the importance of Napoleon's pledge to satisfy the American pecuniary claims against France. The present writer's italics above.

July, 1802. Thus out of France's diplomatic defeat of 1802-1803 at the hands of the United States and Spain, the latter managed to retain the Floridas for a few more years, while the United States won by aggressive policy what Napoleon truly called "a magnificent bargain, an empire for a mere trifle." Glossing over and graciously accepting his diplomatic defeat, Napoleon turned upon England, the hated "nation of merchants," to vent his wrath. He had a new grievance to allege against England, for she, like the United States, had encouraged Spain to refuse the Floridas to him.[22]

Through the accident of Spain's obstruction of Napoleon's plans, the United States was thus able by a policy of aggressive bluff to secure a diplomatic success equal to that of any great world power. But it was not altogether bluff, for, while Jefferson seems to have had no real expectation of securing even New Orleans and to have had no intention of going to war immediately,[23] he did make preparations to enter into alliance with England, and was "confident in the policy of putting off the day of contention for it, till we are stronger in ourselves, and stronger in allies, but especially till we have planted such a population on the Mississippi as will be able to do their own business, without the necessity of marching men from the shores of the Atlantic 1500 or 2000 miles thither, to perish by fatigue and change of climate." Monroe reported from London in 1803-1804 that England was greatly chagrined at the American diplomatic triumph, having "expected our cooperation with it [England] in the present war."[24]

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[22] Edourd Gachot, "Napoléon contre l'Angleterre," in *Anglo-French Review*, IV (1920), 378-388. Desiring ready money Napoleon obtained the American purchase price in cash by discounting at a heavy loss. J. E. Winston, "How the Louisiana Purchase was Financed," in *Louisiana Historical Quarterly*, XII (1929), 185-201.

[23] Jefferson to John Bacon, April 30, 1803, in P. L. Ford, *The Works of Thomas Jefferson* (1904-1905), IX, 463-464.

[24] Hamilton, *Writings of Monroe*, IV, 101, 211-215.

A CONSEQUENCE OF THE LOUISIANA PURCHASE

By LAURO A. DE ROJAS

A great deal has been written concerning the results of the Louisiana Purchase. Historians have recorded political events, Indian raids and border dissensions; but they have forgotten one important feature, that is, the friendly relationship existing between the Louisianians and the New Spanish peoples in 1815, regardless of boundary disputes and political absurdities. Spaniards south of the Sabine River were glad to see the Indian nations pacified, as we shall see in the ensuing paragraphs, because peace meant profitable commercial relations with the natives and North Americans. This anticipation was an influential factor in establishing friendly relations between the regions.[1]

In 1805, Spain was at war with England and the carrying trade had been placed in the hands of neutrals, especially Americans. In California the people were experiencing a dreadful drought, but in New England[2] this year was one of activity. Public improvements were being sponsored and maintained by funds left by Benjamin Franklin and George Washington. This was going on while our representatives were haggling over boundary questions and the Spaniards across the Sabine were preparing for a commercial outburst with Louisiana.[3]

The following citation appeared in the *Gaceta de Mexico* on November 5, 1805:[4]

> The trade relations that the President of the United States has established among our neighbors in the West, have been so effectual that at last we have succeeded in establishing peace and tranquility along our frontiers.

With the elimination of the Indian menace the Spaniards were free to develop their northern markets and populate the northern provinces. The following notice was published in the *Gaceta* of November 13, 1805:[5]

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[1] *Gaceta de Mexico*, XII, 383; *Diario de Mexico*, I, 64.
[2] This term, as here used, refers to all the North American regions settled by the English.
[3] Lucas Alaman, *Historia de Mejico*, I, 142-143.
[4] *Gaceta de Mexico*, XIII, 83.
[5] *Ibid.*, XII, 383.

> The government in Mexico City has agreed with the internal provinces that the close relationship with the North Americans along our northern frontiers will present a speculative aspect to trade and to our national industry in gathering furs for various purposes.
>
> Therefore, all persons wishing to gather furs can go to Juan de Elguezabal at Chihuahua for instructions. The selection of agents will be strict and unbiased, because we wish to maintain a permanent peace with the Indians.

The control of the Louisiana territory by the United States did not hinder trade relations between the countries, because in the years from 1803 to 1810 the volume of the northern trade doubled. Merchandising in Nuevo Leon, Nuevo Santander and Coahuila showed noted increases. To illustrate the rapid progress of the northern section of New Spain after the Louisiana Purchase, the *Gaceta* published the following:[6]

> It is to be known that since five years there has been a general progress . . . with the admittance of foreign (American and French) merchants, importing foreign goods and first class merchandise from the conterminous provinces, augmenting industry and manufacturing of articles that are exported to internal provinces.

Rapid progress in trade relations with Louisiana in 1805, caused an increase in population in northern New Spain. The lack of accurate census, church records and statistics of the entire kingdom of New Spain has made it impossible to compute the exact rate of increase. But in comparing the quantities of goods passing through the custom houses in Chihuahua, Guadalajara, Durango, and Tampico, before 1778 with those in 1805, one finds the traffic in foodstuffs doubling, consequently showing an increase in population for that region.[7]

The increase in agriculture was even greater. According to statistics based on the church tithes collected at Mexico, Valladolid, Guadalajara, Durango, and Chihuahua, in 1779 the tithes amounted to 13,353,821 pesos.[8] The upward trend continued until the amount was 24,000,000 pesos in 1805.[9]

The number of licenses issued by the *consulado of* Guadalajara also demonstrated a noticeable commercial expansion in the north-

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[6] *Ibid.*, XII, 166; *Cedulario*, I, 179-197.
[7] *Audiencia de Santo Domingo*, A. G. I. leg. 16; *Cedulario*, IV, 10.
[8] Revilla Gigedo, *Instruccion que debe observarse, etc.*, 404.
[9] *Cedulario*, IV, 12.

ern provinces adjoining Louisiana. In 1778, one hundred merchants had applied for permits to trade, but by 1805 their number had increased to two hundred and thirteen, including a few Americans.[10] In 1803, 191,720 pieces of merchandise passed through Mexico City to the provinces. The majority were consigned to Durango, Leon and Monterey. The following year, 202,396 pieces were introduced, especially from the Orient, Europe and New Orleans by way of Tampico.[11]

Rapidly developing commercial relations with the north, coupled with a demand for better roads, led the editors of the *Gaceta* to publish the following:[12]

> Our sovereign would appreciate very much if we imprinted in the hearts of every inhabitant the works of Benjamin Franklin as they were carried out in Philadelphia. The land in New Spain is fertile, but arid. Water scarcity can be eliminated by the means of canals or acquaducts, built at a minimum cost. Political representatives cooperating with the magistrates of the provinces could afford tours of inspection and thereby promote projects for the benefit of the people. The rich could do the same, instead of leaving their vast fortunes to other purposes. Very few would not take advantage of acquiring eternal fame by fostering everlasting useful improvements that could be made with their capital. This would create innumerable Franklins in New Spain.

New Spain needed internal improvements and her officials were anxious to promote a far-reaching building project if the people could be interested in it. Franklin had placed his fortune at the disposal of a company to divert the waters of the Roxbury to Boston and those of the Schuylkill to Philadelphia. In addition to this, he had left part of his wealth to be used for educational purposes.[13] Therefore, why could not Spaniards emulate the good work of Franklin? Such an appeal had immediate results.

On November 16, 1805, a proposed project to repair and construct a new road from San Augustin de las Cuevas to Mexico City was announced and bids were requested. Several wealthy merchants from Cuernavaca and Mexico City filed their propositions at the office of Manuel Joseph Nuñez Morillon. At the same time the construction of a new and substantial bridge over the Papagallo River[14] was contemplated by the auhorities to facilitate

[10] *Ibid.*, IV, 13.
[11] *Gaceta de Mexico*, XII, 37, 245.
[12] *Ibid.*, XII, 383.
[13] *Ibid.*
[14] *Ibid.*, XII, 160, 392.

transportation of commodities brought to Acapulco by the Peruvian and Asiatic ships. Most of the merchandise was consigned to Durango, Guadalajara, Saltillo and Chihuahua, and eventually taken to New Mexico and Louisiana.

In Guanajuato the rich mine owners felt the pressure of a growing commerce with the north and built roads and bridges communicating with nearby villas and towns. Good roads were needed in this region for the transportation of ore and supplies to and from the mines, and only the rich men could build them. The government needed men with Franklin's foresight, and the miners did not hesitate to fulfill this qualification.[15] The labor was done by Indians in groups of twelve and twenty-five, working from sunrise to sunset for one real a day.[16]

The need for further road building was thoroughly understood by the Bishop of Puebla, Manuel Ignacio González del Campillo, when he said:[17]

> I shall contribute one thousand pesos for the construction of the road from Coatepec to Xalapa, that my countrymen might travel comfortably and extensively through our provinces. The North Americans are rapidly building roads and we need communication facilities to transport our goods to our northern markets.

Xalapa was the center of one of the trade routes leading from Vera Cruz to Saltillo by way of San Luis Potosi, so it was essential that all roads communicate with this city, if the surrounding villas and towns were to share in the trade.

In addition to praising Franklin's works in New England, the Spanish papers on both sides of the Atlantic lauded Jefferson for his efforts in the Louisiana territory in the following terms:[18]

> We wish to emulate his constant efforts for the welfare and success of his generous surveillance in introducing the practice of vaccination among the natives, and the good conduct of those sent to do it. To these measures we attribute the transformation from unsafe to tranquil and secure frontiers . . . Such a state has made it possible to accomplish what has been tried for centuries, that is, to make the natives conscious of education. Already many Sachems have asked

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[15] *Diario de Mexico*, IV, 87-88, 114-116; *Colleccion de diarios, noticias y papeles varios*, 2-9, 12-24.
[16] *Gaceta de Mexico*, XVII, 154.
[17] *Ibid.*, XVII, 156.
[18] *Ibid.*, XIII, 83-84; Lerdo de Tejada, *Apuentes para la historia de Mexico*, 342-344; Rivera, *Gobierno de Mexico*, I, 523.

> us to permit their sons to attend our schools to learn our trades and customs. This triumph is an example of Jefferson's efforts to bind and pacify our neighbors in the Louisiana territory.
>
> This peace has made it possible for us to build a royal road through a country once prohibited to white men by the warring tribes of the Tennessee country. The treaties signed by the Delawares at Wabash, the Cherokees, the Shawnees of the Miami and the tribes west of the Mississippi have made trading possible. All this makes us believe that the American government will be able to consolidate the continent, and our natives will learn to cultivate their forests, fields, and multiply accordingly.

Therefore mining, internal commerce and agriculture continued to prosper in New Spain, owing to the efficient measures fostered by the viceroys of the Kingdom and our friendly relations with the commercial class there, as a consequence of the Louisiana Purchase.

THE DIFFICULTIES OF ANDREW JACKSON IN NEW ORLEANS INCLUDING HIS LATER DISPUTE WITH FULWAR SKIPWITH, AS SHOWN BY THE DOCUMENTS

Edited by JAMES A. PADGETT

INTRODUCTION

At the time of the War of 1812 not only were there few forts to protect New Orleans, but both the United States and Jackson neglected proper consideration of the importance of that section. Here was rich booty for the British and a good place to make a landing from which they could penetrate the Mississippi Valley.[1] On August 27, 1814, Jackson learned that the British planned to capture New Orleans. He soon began to receive urgent letters from leading citizens in New Orleans pleading for assistance; but he remained in Mobile, and sent Lieutenant-Colonel McRea to the lower Mississippi section to repair the forts and arrange the defense of the city, which task McRea speedily accomplished.[2]

On September 26, 1814, a public meeting was held in New Orleans to plan for the protection of that area. A committee was appointed, with Edward Livingston as chairman, who lost no time in entering into correspondence with Jackson; but still he neglected to come to their assistance. When Jackson finally reached New Orleans on December 1, 1814, the people, as if by magic, were transformed into determined defenders of the city, resolved to defeat the British or die in the attempt. By December 13, the British were in the neighborhood of the mouth of the Mississippi with a force sufficient to capture any port in the new world.[3]

On December 14, 1814, Governor W. C. C. Claiborne laid before the Legislature a communication from Jackson and Commodore Patterson, requesting assistance and the suspension of the privilege of the writ of *habeas corpus*. After a heated discussion the Legislature refused to comply with the request of Jackson and Claiborne. Louis Louaillier, as chairman of the committee to whom the resolution was referred, reported it as inexpedient. The Legislature was in no wise disloyal, but it coöperated in every possible way.

[1] John Spencer Bassett, *Life of Andrew Jackson*, 144-148, 153.
[2] *Ibid.*, 148-149.
[3] *Ibid.*, 154-155, 166-169.

It had been called into session for the purpose of aiding in the defense of the city and state by voting money and enacting necessary legislation. Upon the arrival of Jackson the people coöperated fully with him for the good of the country, notwithstanding his charges to the contrary.[4]

When Claiborne, on December 15, informed the Legislature of the disaster that had befallen the fleet, and on the next day suggested that they adjourn for fifteen or twenty days, the committee recommended that the Legislature remain in session. On the latter date Jackson by an ironclad proclamation placed the city under martial law.[5]

About noon on December 28, the Legislature was prevented by an armed force from assembling at the State House, which caused a furor.[6] Early the next day the order was revoked and the Legislature assembled as usual. Their first business was to appoint a committee to inquire into the extraordinary proceedings and to ascertain the source from which it had emanated. Upon communication with Jackson, he replied that Abner L. Duncan had informed him that Claiborne had said that the Legislature was about to give up the country to the enemy. Duncan related to Jackson that a militia colonel had reported the information to him. Jackson said that he did not believe the report, but thought that a strict inquiry should be made "and if true, to blow them up." He said that he had sent no other orders to the Governor.[7]

Upon inquiry Claiborne denied that he had sent such a message to Jackson by Colonel Declouet or anyone else; but stated that he had approached the battle line upon hearing the firing on December 28, where he met Colonel Fortier, an aide of Jackson, who told him that Abner L. Duncan had delivered from Jackson the following message: "Major-General Jackson has received the information that the Legislature is on the point of assembling to give up the country. His orders are that Claiborne shall immediately close the doors of the State House, surround it with guards, and fire on the members should they persist in assembling." The Governor returned to the city and executed the order; however, he expressed regret that the error had been made.[8]

Duncan seems to have been the one who misapprehended and twisted the orders and information given him, which he acknowl-

[4] Charles Gayarré, *History of Louisiana*, IV, 391-399.
[5] *Ibid.*, IV, 402-403.
[6] *Ibid.*, IV, 448.
[7] *Ibid.*, IV, 539-540.
[8] *Ibid.*, IV, 541-542.

edged before the committee. Declouet had only intended to put Jackson on his guard against the danger which he apprehended; but his belief was based on very insufficient grounds.[9]

The enemy had been completely defeated on January 8, 1815, and there seemed no probability of their return; but Jackson refused to lift martial law or disband the militia until he was sufficiently satisfied that peace had been made. Some Creoles began to apply to the French Consul, Toussard, for French citizenship, and then to the officers of the army for a discharge.[10] Thereupon Jackson, on February 28, 1815, ordered all French citizens to retire beyond Baton Rouge, where they were to remain until the enemy had left the southern coast or peace had been restored. Due to the great consternation, Toussard protested to Claiborne, who informed him that he could do nothing about the order of Jackson, but that the Federal courts might help him out. Jackson then ordered Toussard to leave New Orleans.[11]

In the midst of this excitement the article of Louaillier appeared in the *Louisiana Courier* on March 3, 1815, which was more than Jackson could endure. Accordingly, Louaillier was arrested on March 5 and sent to the barracks for being a traitor. However, before he was sent into confinement, he asked P. L. Morel to take legal steps to procure his release.[12] Louaillier was a leading member of the Legislature; had been loyal to the cause of Jackson and the defense of Louisiana; and in later life his sincerity, patriotism, and love of law and order demonstrated that he was a loyal citizen.[13]

When Morel applied to Judge Francois Xavier Martin of the Louisiana Supreme Court for a writ of *habeas corpus,* Martin informed him that since his court was one of appellate jurisdiction only and since the prisoner was arrested and held for trial by a court martial of the United States, he could not grant the writ.[14] Upon consultation with others Morel was advised to apply to Judge Dominick A. Hall of the United States District Court for a writ of *prohibition* to stay the proceedings. Hall expressed doubt as to his authority to issue such a writ at chambers, and asked for time to deliberate. When Morel returned in a short time with a writ of *habeas corpus* properly drawn, Hall placed his *fiat* thereon, but asked Morel to inform Jackson that the writ had been issued before having it served. When Jackson received this information he lost

[9] *Ibid.*, IV, 542-545.
[10] John Spencer Bassett, *Correspondence of Andrew Jackson*, II, viii, ix.
[11] *Ibid.*, II, 181-182; Bassett, *Life of Jackson*, 224-225.
[12] Francois Xavier Martin, *History of Louisiana*, II, 393-394; Bassett, *Correspondence of Jackson*, II, 183.
[13] Bassett, *Correspondence of Jackson*, II, viii, ix.
[14] Martin, *op. cit.*, II, 393-394.

all reason, and had Hall arrested at nine o'clock on Sunday night, March 5, at his home for treason, and sent him to keep Louaillier company in the barracks.[15]

Just at this time Jackson received a letter from Washington, but upon breaking the seal he learned that the wrong letter had been inclosed by mistake; however, he refused to acknowledge that peace had been made, although the postmasters had been so notified.[16]

Jackson then sent to the clerk of the court for Louaillier's petition upon which Hall had written his *fiat*, but the clerk refused to surrender the paper; however, he agreed to accompany the agent to Jackson's headquarters. When Jackson asked him if he intended to serve the writ, he replied that it was his duty to do so and that he was sworn to perform his obligations. Jackson threatened him with the same fate that had befallen Louaillier and Hall, but he persisted in his determination to perform the orders of the court. Moreover, Jackson refused to return the paper, saying that he needed it to convict Judge Hall of forgery, since he had changed the date from a "6" to a "5".[17]

Prompted by some of his advisors, Jackson now had Hollander, a prominent merchant of New Orleans, arrested. No one knew exactly why this was done, and he was later released.[18] When Duplessis went to Jackson, he almost defied the commander and told him that he would do his duty under the law and the court, but Jackson also informed him that he would also do his duty under martial law.[19]

John Dick, the United States District Attorney, then came to the aid of Judge Hall, and applied to Judge Joshua Lewis of the Louisiana District Court, who, laying down his rifle and assuming the mantle of a judge, issued a writ of *habeas corpus* for the release of Hall. Upon hearing of this, Jackson ordered both Dick and Lewis arrested. Colonel Arbuckle, to whom the Hall writ had been directed, refused to release him on the grounds that he had been committed by the commander-in-chief of the army. Jackson then countermanded the order for the arrest of Lewis, but Dick was sent to the barracks to keep Louaillier and Hall company.[20]

When the military court headed by Edmund P. Gaines failed to find Louaillier guilty, Jackson refused to release him. Some

[15] Bassett, *Correspondence of Jackson*, II, 183; Gayarré *op. cit.*, IV, 590.
[16] Bassett, *Life of Jackson*, 225-226.
[17] Gayarré, *op. cit.*, IV, 590-591.
[18] Martin, *op. cit.*, II, 401.
[19] Gayarré, *op. cit.*, IV, 592, 599.
[20] Martin, *op. cit.*, II, 493-494.

advised Claiborne to put himself at the head of the militia; others asked Duplessis to call out a *posse comitatus;* and when a large mob assembled before the transparent picture of Jackson at the Exchange Coffee House it looked like a riot might break out, but no explosion took place.[21]

Jackson, knowing that he could not convict Hall after Louaillier had been acquitted, sent him beyond his military line with instructions to remain there until peace had been made or the enemy had departed from the southern waters. The next day Jackson received the official news that peace had been made. Martial law was lifted, the militia was soon disbanded, Louaillier and Dick were released from prison, and Hall and Dick entered the city full of indignation against Jackson.[22]

Dick and Hall were determined to try Jackson, and as soon as the celebration of peace had subsided Hall, on March 21, 1815, signed the writ ordering Jackson to appear in court and show cause why he should not be held in contempt of court for his recent refusal to recognize the court's writ of *habeas corpus.* On March 27, Jackson appeared in company with Major Reid, one of his aides, and submitted a written statement of reasons why his conduct did not constitute contempt of court. Jackson withdrew, leaving Reid to read the paper. As soon as he began, the judge inquired the context of what followed, to which Reid replied that it was within the scope of the rules laid down by the court. The judge said that he would take it under advisement, and suspended the court until next day, when he refused to let Reid proceed with the reading of the paper. Jackson's counsel would offer no arguments, since he protested the jurisdiction of the court. After arguments of the prosecution were heard, the court adjourned until the next day, when Jackson came in person with a protest in the handwriting of Reid against the sentence about to be imposed on him.[23]

He offered his reasons in the following words:[24]

> I will not answer interrogations. When called upon to show cause why an attachment for contempt of this court ought not to run against me, I offered to do so, You have,

[21] Gayarré, *op. cit.*, IV, 599-600.
[22] *Ibid.*, IV, 593-594.
[23] Bassett, *Life of Jackson*, 227-229.
[24] *Ibid.*, 228-229. In the Jackson Papers is a draft of a protest in the handwriting of Duncan, one of his volunteer aides and a lawyer of ability, which reads: "I will not answer interrogations. I may have erred, but my motives cannot be misinterpreted. . . . The law can be satisfied without wounding my feelings whose dictates under such circumstances, I most candidly acknowledge, it would have been difficult, if not impossible to restrain."—*Ibid.*, 228.

> nevertheless, thought proper to refuse me this constitutional right. You would not hear my defense although you were advised that it contained sufficient causes to show that no attachment ought to run. Under these circumstances I appear before your Honor to receive the sentence of the court, and with nothing further to add. Your Honor will not understand me as meaning any disrespect to the court by the remarks I make; but as no opportunity has been furnished me to explain the reasons and motives which influenced my conduct, so it is expected that censure will form no part of that punishment which your Honor may imagine it your duty to perform.

Judge Hall, before he passed sentence, remarked that on account of Jackson's outstanding service rendered to his country imprisonment would form no part of the sentence; but he must pay a fine of $1000 and costs. By this time reaction in favor of Jackson had set in, and the people removed the horses from his carriage and dragged it to the Exchange Coffee House, where he made a speech urging the people to obey the law. He refused to accept a refund of the fine from his friends.[25] When, in 1844, after two years of debate, Congress voted Jackson $2732, which was the fine with interest since the time of its payment, he had no hesitancy in receiving the money.[26]

Jackson retained a profound dislike not only for Hall, but also for Louaillier, Skipwith, and the other leaders of New Orleans who crossed his path in that section; and his letter against Skipwith being appointed postmaster at New Orleans grew out of this contest in the War of 1812.

TEXT OF THE DOCUMENTS

Claiborne's General Orders to the Militia[27]

MILITARY GENERAL ORDER

Head Quarters, New Orleans September 8, 1814.

The governor and commander in chief directs that the several companies of militia within the city & suburbs of New Orleans, muster for exercise and inspection twice, and those in the interior counties of the state once in each and every week, at such times and places as the captains or officers commanding companies shall

[25] Gayarré, *op. cit.*, IV, 625.
[26] Bassett, *Correspondence of Jackson*, II, ix.
[27] West Florida Papers, Library of Congress. Printed circular.

designate. He recommends also to all fathers of families, and others who by their stations of age are exempted from militia service, to afford at this eventful crisis, a laudable example; he invites them to the formation of military associations; to choose their officers; to procure arms, & to assemble occasionally for military exercise.

The commander in chief would be sorry unnecessarily to draw his fellow citizens from their private pursuits, and subject them to useless fatigue, but in his judgment their safety demands that they be trained to the use of arms, and holden in readiness to turn out at a moments warning in defence of their families and homes. He does not wish to excite alarm and trusts none will exist. But it is his duty to declare that the state is menaced with dangers which require all our union, zeal and activity to avert. A hope is still cherished that the pending negociation between the United States and Great Britain may eventuate in peace honorable to both parties; but there is too much reason to apprehend that the enemy feeling power may forget right. Indeed, from the information before us, we shall act wisely in preparing for the worse. At this moment a fleet of the enemy is hovering on our coast, and he is assembling a force at Apalachecola, Pensacola and elsewhere, avowedly for the invasion of Louisiana. We must be prepared;— to dispute every inch of ground; harrass him on his march; make a stand at every favorable position, & finally a triumph, or loose with our country our lives. Every individual, therefore, attached to the militia will be in constant readiness for active service- officers of every grade will at all times be prepared to repair to their post, and assume the command which may be assigned them- new commissioned officers and privates will put their arms, whether muskets, rifles or shot guns in the best possible condition, furnish themselves with six flints each, as much powder and ball as can conveniently be carried, and pack in their knapsacks one blanket, one shirt and one pair of shoes, being the necessary clothing on a march. The greatest vigilance will be observed, and every precaution taken to guard against surprize. Captains and subalterns will keep their field officers advised of every *occurence* which interests the public safety, and colonels or officers commanding regiments will communicate the same to the general of their respective brigades, and divisions, and the general officers to the commander in chief. Strong patroles will be ordered on every night, particularly within the city and suburbs of New Orleans, and the adjacent counties. The strictest discipline will be maintained among the

slaves, and every person of suspicious conduct or character will be arrested and carried before a judge or justice of the peace for examination. If the enemy should enter the state, the several colonels of militia nearest the point of attack will immediately order into the field their respective regiments, and (after detailing a suitable guard for the protection of the women and children, and the maintenance of proper police on the plantations) will advance without waiting for further orders to the scene of danger. Of the skill and courage of the regular troops of the United States in our vicinity, we are fully assured; we will unite our efforts with theirs against the common enemy, as if called to act with our gallant countrymen of the western states, in defence of Louisiana, we will vie with them also in deeds of valor.

The commander in chief persuades himself that no efforts which have or may be made to divide us will prove successful. The intrigues, the means of corruption by which in other countries our enemy has so much profited, will doubtless be attempted here. But his career is well understood, and it is hoped that his arts will not avail him. In defence of our homes and families there surely will be but one opinion- one sentiment. The American citizen on contrasting his situation with that of the citizen or subject of any other country on earth, will see abundant cause to be content with his destiny. He must be aware how little he can gain, and how much he must lose by a revolution or change of government.

If there be a citizen who believes that his rights and property would be respected by an invading foe, the weakness of his head should excite pity. If there is an individual who supposes the kind of force with which we are menaced could be restrained from acts of violence, he knows little of the character of the allies of Great-Britain who committed the massacre at Fort Mims.

In these evil days, small indeed is the portion of affliction which has hitherto befallen Louisiana: when a hostile army breaks into the territory of a nation its course is marked with scenes of desolation which centuries of industry cannot repair. With what union, with what zeal should all our energies be exerted to defend our country against like misfortunes.

Wm. C. C. Claiborne[28]
Gov. & Commander in Chief.

[28] William Charles Cole Claiborne (1775-November 23, 1817) was born in Virginia; made an enviable record for himself; and died in Louisiana when yet a young man. He attended Richmond Academy and William and Mary College; became a clerk of Congress at the age of fifteen; returned to Virginia and studied law; and then moved to Sullivan county, Tennessee, where he soon had a large criminal practice. He assisted in making the Tennessee constitution in 1796; was appointed a judge of its supreme court in 1796; was elected to

Charges against Louaillier[29]

Charges & Specifications exhibited against Mr. Louaillier Senr.,[30] residing or serving in the principal encampment of the Army of the U. S. of the 7th. military District.

Charge the 1st.—Mutiny

Specification. That the sd. Louaillier Senr. did on or about the 3rd. of March 1815 in the City of New Orleans (it being at that time and now the principal encampment of the part of the army of the United States under the Command of Major Genl. Andrew Jackson) write and cause to be published in the Louisiana Courier[31] a paper published within the limits of said City, a piece to the following effect,—viz

Communication

Mr. Editor,

To remain silent on the last general orders directing all frenchmen, who now reside in New Orleans, to leave it within three days, and to keep at a distance of 120 miles of it, would be an act of Cowardice which ought not to be expected from a

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Congress in 1797 and re-elected in 1798; worked for the election of Jefferson over Burr in 1801; and shortly thereafter Jefferson appointed Claiborne governor of Mississippi Territory. From the time he reached the capital, Natchez, on November 23, 1801, until his departure he was busy settling factional disputes, organizing new counties, adjusting land claims, providing for the general health, suggesting measures for controlling the Negroes, and setting up a system of public instruction. He also looked after Indian affairs of that section. In the latter part of 1803 he was associated with James Wilkinson in receiving Louisiana from France. He was the first governor of this new territory; found his new position far more difficult than any he had held previously; for months he was a kind of proconsular representative for Jefferson; he was ignorant of the language, customs, and laws of the people over which he was to preside; and he had no precedents to guide him. His kindly disposition, his evident honesty, and his second and third marriage alliances with Creoles were great assets to him. Burr's conspiracy caused him trouble; Wilkinson's connections with Burr brought more difficulties upon him; and he was seriously wounded in a duel with Daniel Clark in 1807. The West Florida Revolution of 1810 added to his labors; he had trouble with defense measures in the War of 1812 due to the refugees from Mexico, the filibusters, smugglers, and pirates. The Legislature and the people did not respond readily to his call for aid in defense of the state; when Jackson arrived he gave little consideration to Claiborne and the people; and when the people of the state rallied to the defense Jackson flouted them. On January 13, 1817, he was elected to the United States Senate, but died before he had taken his seat.—*Dictionary of American Biography*, IV, 115-116

[29] West Florida Papers, Library of Congress.

[30] Louis Louaillier was a native of France, but he became an American citizen. At the outbreak of the War of 1812 he was a representative from the County of Opelousas in the Legislature, and was chairman of the Ways and Means Committee. In November, 1814, when the loyalty of the Creoles was questioned, he made a patriotic report urging taxing all people in the state for the purpose of defense. When Jackson, about a month later, asked for the suspension of the privilege of the writ of *habeas corpus* to enable Commodore Patterson to impress seamen, Louaillier, as chairman of the committee, made an adverse report which chagrined Jackson and Patterson very much. During the winter of 1814-15 he rendered valuable service as a member of the committee to procure clothing and other supplies for the soldiers and relief for the sick and wounded. Then he took up the fight with Jackson over the matter of the supremacy of the civil over the military law.—Alcée Fortier, *History of Louisiana*, II 92-93

Correct spelling of name seems to be "Louallier".—(Editor, *Louisiana Historical Quarterly.*)

[31] *Courier de la Louisiane* began publication in New Orleans on April 29, 1808. It was a tri-weekly and was the first paper published in Louisiana after it was transferred to the United States.—Ada Fyng Griswold, *Newspaper Files in the Library of the State Historical Society of Wisconsin*, 77.

Citizen of a free Country.—[32] And when every one laments such an abuse of authority, the press ought to denounce it to the People.

In order to encourage a Communication between both Countries, the 7th. and 8th. articles of the treaty of Cession secure to the french who shall Come to Louisiana Certain Commercial advantages which they are to enjoy during a term of twelve years which are not yet expired.[33] At the expiration of that term, they shall be treated in the same manner as the most favored nation. A peace which nothing is likely to disturb, uniting both nations, the french have until this moment been treated in the U. S. with that regard which a great people deserves and requires, even in its reverses, and with that good will which so eminently distinguishes the American Government in its relations with foreign nations.—In such Circumstances what can be the motives which have induced the Commander in Chief of the 7th. My. District to issue general orders of so vexatious a nature. When the foreigners of every nation, when the Spaniards, and even the English are suffered to remain unmolested among us, Shall the french alone be Condemned to ostracism because they rendered too great services? Had they remained gentle Spectators of the last events; Could their sentiments toward us be doubted, then we might merely be Surprised at the Course now followed with regard to them. —But how are we to restrain our indignation when we remember that these very frenchmen, who are now to be exiled, have so powerfully Contributed to the preservation of Louisiana? Without speaking of the Corps who so eminently distinguished themselves, and in which we see a number of french men rank either as officers or privates, who directed and Served a part of those pieces of Cannon, which so greatly annoyed the British forces? Can any one flatter himself that so important services Could have So Soon been forgotten? No, they are engraved in everlasting Characters in the hearts of all the Inhabitants of Louisiana, and they shall perform a brilliant part in the history of their Country; and when those brave men ask no other reward but being permitted peaceably to enjoy among us the rights Secured to them by treaties, and the

[32] On February 28, 1815, Jackson issued a general order that all French subjects having the certificates of the French consul countersigned by the commanding general must repair to the interior not short of Baton Rouge, where they would remain until the enemy had left American waters or peace was restored. Notice was to be made of those who remained after the third of March, and officers were to give information about them.—Bassett, *Correspondence of Jackson*, II, 181.

[33] By the treaties made with France in 1803 French or Spanish ships coming directly from France or Spain or their colonies, respectively, and having on board only goods made in the mother countries or in their colonies, were to be admitted for a period of twelve years into the port of New Orleans or any other legal ports in the ceded territory in the same manner as ships of the United States coming direct from France or Spain, and were to be subject to the same duties and were to pay the same customs charges and tonnage dues. The twelve years were to begin three months after the exchange of ratification. During this period of twelve years the United States could not grant this same privilege to any other nation. In the future and forever after the expiration of the twelve years, the ships of France were to be treated upon the footing of the most favored nation in the ports of the ceded territory.—William MacDonald, *Select Documents Illustrative of United States History*, 163-164. Sections seven and eight of the treaty with France.

laws of America, far from sharing in the Sentiments which have dictated the general order, we avail ourselves of this opportunity to give them a public testimony of our gratitude.

Far from us the idea that there be a single frenchman so pusillanimous as to forsake his Country merely to please the military Commander of this District, and in order to avoid the proscription to which he has chosen to Condemn them. We may therefore expect to See them all repair to the Consul of their nation there to renew the Act which binds them to their Country.—but in supposing that yielding to a sentiment of fear they should Consent to Cease to be french Citizens, would they by such an abjuration become American Citizens? No Certainly they would not. The man who would be powerful enough to denationalize them, would not be powerful enough to give them a Country. It is better therefore for a man to remain a faithful frenchman, than to suffer himself to be Scared even by the *Martial Law*, a law useless when the presence of the foe, and honor Calls us to arms, but which becomes degrading when their Shameful flight suffers us to enjoy a glorious rest, which fear and terror ought not to disturb.

But could it be possible that the Constitution & the laws of our Country should have left it in the power of the several Commanders of Military Districts to dissolve all at once the ties of friendship which unite America to the Nations of Europe? Would it be possible that peace or war Could depend upon their Caprice and the friendship or Enmity they might entertain for any nation? We do not hesitate in declaring that nothing of the Kind exists—The President alone has by law, the right to adopt against *alien Enemies* such means as the State of war may render necessary; and for that purpose he must issue a proclamation; but this is a power which he Can not delegate.—It is by virtue of that law & of a proclamation that the subjects of Great Britain were removed from out ports and Sea Shores. But we do not Know any law authorizing General Jackson to apply to *alien friends* a Measure which the President of the U. S. himself has only the right to adopt against *alien Enemies.*

Our Laws protect strangers who Come to Settle or reside among us. To the Sovereign alone belongs the right of depriving them of that protection; and all those who Know how to appreciate the title of an American Citizen, and who are acquainted with their prerogatives, will easily understand that by the sovereign I do by no means intend to designate a Major General, or any other Military Commander, to whom I willingly grant the powers of issuing general orders like the one in question, but to whom I deny that of having them executed.

If the last General Order has no other object but to inspire in us a salutary fear, if it is only destined to be read, if

it is not to be followed by any act of violence, if it is only to be executed by those who may Chuse to leave the City in order to enjoy the pure air of the Country we shall forget that extraordinary order, but should anything else happen, we are of opinion, that the Tribunals Shall Sooner, or later, do justice to the victims of that illegal order.

Every alien friend who shall Continue to respect the laws which rule our Country, Shall continue to be entitled to their protection. Could that general order be applied to us, we should Calmly wait until we were forced by violence to execute it well convinced of the firmness of the Magistrates who are the organs of the Laws in this part of the Union, and the guardians of public order.

Let us Conclude by saying that it is high time the Laws should resume their empire, that the Citizens of this State should return to the full enjoyment of their rights, that in acknowledging that we are indebted to Genl. Jackson for the preservation of our City & the defeat of the British, we do not feel much inclined through gratitude, to sacrifice any of our priviledges and less than any other that of expressing our opinion about the acts of his administration; that it is time the Citizens accused of any Crime should be rendered to their natural Judges and Cease to be brought before Special or Military tribunals, a kind of institution held in abhorrence even in absolute governments; and that after having done enough for glory the moment of moderation has arrived; and finally that these acts of authority which the invasion of our Country, and our safety may have rendered necessary, are Since the evacuation of it by the Enemy, no longer Compatible with our dignity and our oath of making the Constitution respected.—

The Said Louaillier, being at the time within the encampment of the Said Commanding General, Said encampment having been declared under martial law.

Charge 2d.—Exciting mutiny.

Specifon. 1st. That the Said Louaillier did on or about the 3d. day of March 1815, at the City of New Orleans and within the encampment of the army of the U. S. write and Cause to be published the following News paper essay, Calculated to excite mutiny in the army of the U. S. then and there Stationed; Viz. (the Same as before recited.).

Charge 3d.—Genl. misconduct.

Specifon. 1st. In this, to wit: that the Said Louaillier Same did write and Cause to be published on, or about the 3d. day of March

1815, at the City of New Orleans and within the encampment of the Troops aforesaid the following essay, viz (the Same herein before Set forth) to the prejudice of good order & military discipline, he the said Louaillier, being at the time within Said encampment.

Charge 4th. for being a Spy.

Specifon. 1st. That the Sd. Louaillier on or about the 3d. of March 1815 at New Orleans, it being the encampment of the army of the U. S. was found lurking in or about Said encampment & the fortifications thereto appertaining being at the Same time much dissatisfied himself, and then and there writing and Causing to be published an essay in the Louisiana Courier Calculated to give the Enemy of the U. S. Notice of the Situation of our Army, and to lessen the Confidence of the Army of the U. S. in the Commanding General, viz the following in the newspaper Called the Louisiana Courier (the Same herein before recited.)

Charge 5th. Illegal & improper Conduct and disobedience to orders. Specifon. 1st. In violating the 56th. Article of the rules and Articles of war, embracing as well Citizens as all others, by relieving, harbouring, and protecting the Enemies of the United States by writing and Causing to be published an anonymous essay in the Louisiana Courier, on or about the 3d. of March 1815 at the City of New Orleans.

Specif. 2d. By violating the 57th. Article of the rules & Articles of war: by holding correspondence with and giving intelligence to the Enemies of the U. S. in writing & Causing to be published in the Louisiana Courier on or about the 3d. of March 1815 at the City of New Orleans an anonymous essay of which the following is a Copy (the Same as above)—refer to Newspaper.

Charge 6th. writing a wilful and Corrupt Libel.—

Specifon. 1st. That the Said Louaillier did on or about the 3d of March 1815, at New Orleans, write and Cause to be published an essay in the Louisiana Courier under the signature of "a Citizen of Louisiana of french origin," grossly misrepresenting the purport and tenour of a general order of the 28th. day of february last.

Charge 7th.—Unsoldierly Conduct, and Conduct Contrary to . . . and inadmissible within the City of New Orleans and its

Environs under an order of the Commanding General dated day of (blank) 1814 declaring &ca. Specifon. 1st. for this: that the Said Louaillier under the proclamation aforesaid, being liable to martial Law, did write and cause to be published on or about the 3d. of March 1815 in the Louisiana Courier, in the City of New Orleans an essay Signed "A Citizen of Louisiana of french Origin" Contrary to his obligations as a Soldier, under the proclamation aforesd.

Specif. 2d. That the Legislature of the State of Louisiana not being in Session at the time, the Said Louaillier did, on or about the 3d. of March 1815 at New Orleans, he being then subject to military duty, write and cause to be published in the Louisiana Courier, an essay Signed "A Citizen of Louisiana of french origin," thereby Committing Mutiny himself, and exciting, Causing, and beginning mutiny and Sedition in the Troops in the Service of the U. S. at the time and place aforesd. and behaving thereby at the Same time & place with Contempt & disrespect towards his Commanding officer, & publishing Contemptuous and disrespectful words of and Concerning him: and being a Soldier as aforesaid (the Legislature not being at that time in Session) he the Sd. Louaillier by writing and Causing to be published the essay aforesd. did relieve, harbour and protect the Enemies of the U. S. and did hold a Correspondence with and give intelligence to Said Enemies, all at the City of New Orleans within Sd. encampment, and on or about the 3d day of March 1815.

Case of Louallier

Jackson to Mayor Girod[34]

Nicholas Girod, Esq.[35] Mayor of the City of New-Orleans.

Head Quarters, 7th Military District, January 27, 1815.

Sir,— Deeply impressed since my arrival with the unanimity and patriotic zeal displayed by the citizens over whom you so worthily preside, I should be inexcusable if any other occupation

[34] West Florida Papers, Library of Congress. Printed circular.

[35] Nicholas Girod, Mayor of New Orleans, was of great assistance to Jackson in procuring laborers, teams, and carts to fortify the city, and in enforcing the decrees of Jackson. On December 25, 1814, he wrote Jackson that the order had been issued to arrest every person who did not possess a pass in New Orleans; that several had been arrested; and that he desired Jackson to take some steps to dispose of those individuals who had been arrested. Jackson did not appreciate what Girod did for him, and departed from the city without paying the poor men who had helped to fortify the city. As late as October 24, 1816, the Honorable James Brown wrote Jackson in behalf of Girod regarding these bills for needy individuals of the city, which amounted to about $14,000.—Jackson Papers, Library of Congress, October 24, 1816; Bassett, *Correspondence of Jackson*, II, 125.

than that of providing for their defence had prevented my public acknowledgement of their merits. I pray you now, sir, to communicate to the inhabitants of your respectable city, the exaulted sense I entertain of their patriotism, love of order, and attachment to the principles of our excellent constitution. The courage they have shewn in a period of no common danger, and the fortitude with which they have rejected all the apprehensions which the vicinity of the enemy was calculated to produce, are not more to be admired than their humane attention to our sick and wounded as well as to those of that description among the prisoners.— The liberality with which their representatives in the City Council provided for the families of those who were in the field, evinced an enlightened humanity and was productive of the most beneficial effects. Seldom in any community, has so much cause been given for deserving praise; while the young were in the field and arrested the progress of the foe, the aged watched over the city and maintained its internal peace; and even the softer sex encouraged their husbands and brothers to remain at the post of danger and duty. Not content with exerting for the noblest purpose that powerful influence which is given them by nature (and which in your country women is rendered irresistable by accomplishments and beauty) they shewed themselves capable of higher efforts, and actuated by humanity and patriotism they clothed by their own labour, and protected from the inclemency of the season the men who had marched from a distant state to protect them from insults; In the name of those brave men, I beg you sir, to convey to them the tribute of our admiration and thanks, assure them that the distant wives and daughters of those whom they have succoured will remember them in their prayers; and that for myself no circumstance of this important campaign touched me with more exquisite pleasure than that I have been enabled to lead back to them, with so few exceptions, the husbands, brothers, and other relatives of whom such women only are worthy.

I anticipate sir, with great satisfaction the period when the final departure of the enemy will enable you to resume the ordinary functions of your office, and restore the citizens to their usual occupations— they have merited the blessings of peace by bravely facing the dangers of war.

I should be ungrateful or insensible, if I did not acknowledge the marks of confidence and affectionate attachment with which I have personally been honored by your citizens; a confidence that has enabled me with greater success to direct the measures for their

defence, an attachment which I sincerely reciprocate and which I shall carry with me to the grave.

For yourself Mr. Mayor, I pray you to accept my thanks for the very great zeal, integrity, and diligence with which you have conducted the arduous department of the police committed to your care, and the promptitude with which every requisition for the public service has been carried into effect.

Connected with the United States your city must become the greatest emporium of commerce that the world has known. In the hands of any other power it can be nothing but a wretched colony. May your citizens always be as sensible of this great truth as they have shewn themselves at present: may they always make equal efforts to preserve the important connection, and may you, sir, long live to witness the prosperity wealth and happiness that will then inevitably characterise the great sea port of the western world.

I have the honor to be
respectfully,
Your most obedient servant,
(Signed) ANDREW JACKSON,
Major-General Commanding.

Legal Proceedings against Jackson[36]

Court of the United States Eastern District of Louisiana

Be it remembered, that on the 22 day of March in the year of our Lord 1815 into the Court of the United States for the Eastern District of Louisiana came John Dick[37] Esqr Attorney of the United States within and for said District and moved the Court for the following order which was granted and is as follows to wit:

Order.

Special Court March 22, 1815.
Present the Hon. Dom. A. Hall[38]

[36] West Florida Papers, Library of Congress.

[37] John Dick was the impetuous United States Attorney for Louisiana. He procured the writs and wished to proceed against Jackson at once, but Judge Hall induced him to hold off for several days in the case, to give Jackson a chance to learn of their being issued so that he could come in and straighten out the matter.—Gayarré, *op. cit.*, IV, 593, 594, 616.

[38] Dominick Augustine Hall (*c.*1765-December 19, 1820) was born in England (according to some accounts he was born in Charleston, S.C.); began his legal career in Charleston; was appointed in 1801 to the fifth United States Circuit Court, composed of North Carolina, South Carolina, and Georgia; but retired in 1802 on account of the repeal of the Judiciary Act of 1801. On March 26, 1804, an act was passed providing a temporary government for the newly acquired territory of Louisiana; a district court with the power of a circuit court was set up, but it had only one judge; and Hall was selected by Jefferson as the Judge for the

The United States
No. 791 Vs.
Majr Genl. Andr. Jackson

On this day the Depositions of P. L. B. Duplisis,[39] Mathew Arbuckle,[40] P. L. Morel,[41] Peter V. Ogden,[42] W. O. Winston,[43]

Territory of Orleans, on account of his knowledge of French and maritime jurisdiction. He arrived in New Orleans in the fall of 1804 and held his office until 1813. He then became a judge of the Supreme Court of Louisiana, but he did not like to be one of the judges on the bench, and as the vacancy created by his resignation had not been filled, he applied for and received his former position. Jackson's refusal to lift martial law until he was officially notified that peace had been made led to his trouble with Hall. The people, Legislature, Governor, and Judges complained. Jackson received a letter from Washington, supposed to be an official one announcing peace, but by mistake the wrong letter had been inclosed. In spite of the orders to postmasters, which made it evident that peace had been declared, Jackson refused to lift martial law. After Louaillier was acquitted by Jackson's court martial, he set the sentence aside and kept him in prison, although he was not in the army, but a member of the Legislature. Jackson had Hall arrested and after several days sent him from the city, but on the following day Jackson received official notice of peace. Hall returned to his former position and remained on the bench until his death in New Orleans.—*Dictionary of American Biography*, VIII, 123-124.

[39] P. L. B. Duplessis volunteered his services to Jackson; faced danger whenever it was to be met; and carried orders for Jackson with the utmost promptitude. When he went to Jackson to serve the writ, Jackson said, "I have shopped the Judge." The marshal did not reply, but looked the General straight in the face with such a grave countenance that Jackson said, "Is it possible that you would serve the writ?" "Certainly," replied Duplessis, "I am the ministerial officer of the Court, and, as such, bound to execute any writ which it may direct to me. I have ever done my duty, and will continue to do so." The General then showed a proud look, and Duplessis continued, "I will without hesitation serve the Court's writ on *any man*." Jackson then pointed to a copy of his proclamation of martial law and said, "I also will do my duty." Claiborne saw trouble; great meetings were held in the city; it was urged that the Governor put himself at the head of the militia; and that Duplessis, the marshal of the United States District Court, call out the *posse comitatus* in support of the Court, but wiser counsels prevailed.—Gayarré, *op. cit.*, IV, 433, 592, 599.

[40] Mathew Arbuckle was born in Greenbrier county, Virginia, in 1776, and died at Fort Smith, Arkansas, on June 11, 1851. He entered the army as an ensign in 1799; was made captain in 1806; became major in 1812; lieutenant-colonel in 1814; colonel of the seventh infantry in 1820; led a successful expedition against the Fowltown Indians; and served in the Mexican War in 1846-47. He commanded at New Orleans, Fort Gibson, and Fort Smith. He spent much of his life on the frontier and always kept the good-will and confidence of the Indians.—*Appleton's Cyclopaedia of American Biography*, I, 86.

[41] Morel was an attorney, member of the bar, a man of great energy, and was employed by Louaillier to procure his release from prison. He went at once to Judge Martin, who had been recently appointed to the State supreme bench, but Martin said that since his court was one of appellate jurisdiction only, he could not interfere, and that Louaillier was arrested under martial law of the United States. Morel then went to Judge Hall, who issued the writ after thinking over the question whether he could do so out of court; but Morel was to tell Jackson of it before it was served. The words of Morel caused Jackson to explode, and he sent Colonel Arbuckle to arrest Hall for *aiding, abetting*, and *exciting mutiny* in his camp.—Gayarré, *op. cit.*, IV, 590.

[42] Peter V. Ogden is far better known for his connection with Burr than for his fighting at New Orleans. In August, 1806, confident that nothing more could be done in Richmond, Burr began to move his conspirators west. Burr did not dare take all his crowd to the West at once, so he sent Peter V. Ogden, a nephew of Dayton, and Samuel Swartwout, a brother of Robert Swartwout, with letters to Wilkinson and John Adair. Next went Julius Erich Bollmann, charged with dispatches to be carried to New Orleans by sea. Next went Burr, his daughter Theodosia Alston, and a French army officer, Dr. Pestre. Chasing across the Alleghanies in August, Ogden and Swartwout hastened to meet Wilkinson at St. Louis, but at Kaskaskia they learned that he had gone to Fort Adams, and there they learned that he had gone into the Red River country. Thither Swartwout hastened, but Ogden continued to New Orleans. When Wilkinson received the letter from Burr, he notified the President of the scheme. Bollmann was seized in New Orleans, Swartwout and Ogden at Fort Adams, and all three taken on board the *Aetna* they lying at anchor in front of the city. It was wholly illegal, but Wilkinson controlled the city. The Superior Court issued writs of *habeas corpus*, but a day was wasted in serving them and when they reached the *Aetna* only Ogden was there, for the others had been sent north by sea. Ogden was given up, the court set him free, Wilkinson seized him, the court again issued a *habeas corpus*, Wilkinson held Ogden in defiance of the court, the court attached Wilkinson for contempt, he defied the attachment, the judge asked the Governor for help, the Governor dared not give it, the judge, declaring that the judicial power had been laid low by the military, resigned, and Wilkinson ruled the city. In February, 1807, Bollmann and Swartwout were liberated in Washington, and soon afterwards Ogden was freed in Baltimore.—John Bach McMaster, *History of the People of the United States*, III, 63, 69, 70, 74, 79.

[43] William O. Winston was appointed assistant adjutant-general and sent to James Winchester in the War of 1812.—Jackson to Winchester, November 22, 1814, Bassett, *Correspondence of Jackson*, II, 104-106.

Richard Claiborne[44] and Louis Louaillier[45] were taken and sworn to in open Court except Richard Claibornes which was sworn to the 21st. instant.

On motion of Mr. Dick Attorney of the United States for this district, upon the affidavit of Richard Claiborne, Clerk of the Court and upon the testimony of P. L. B. Duplisis, marshall of the same and upon the testimony of other witnesses: It is ruled and ordered that the said Majr. Genl. Andw. Jackson shew cause on Friday next the 24th. of March instant at 10 Oclock A. M. why an attachment should not be awarded against him for Contempts of this Court, in having disrespectfully wrested from the Clerk aforesaid an original order of the Honle. the Judge of the Court, for the issuing of a writ of *Habeas Corpus* in the case of a certain Louis Louaillier, then imprisoned by the said Majr. Genl. Andw. Jackson and for detaining the same; also for disregarding the said writ of *Habeas Corpus* when issued and served; in having imprisoned the Hon. the Judge of this Court; and for other contempts as stated by the witnesses.

Copies of the affidavits filed by the District Attorney in this case.

Louaillier
Vs.
Andw. Jackson Commanding General of the 7th Military District

In this case on Sunday the 5th of March 1815, the Honorable Dominick A. Hall gave an order on the original petition of Louaillier in the following words, towit, "Let the prayer of the petition be granted and the petitioner be brought before me at 11 Oclock tomorrow morning" dating the said order the 6th of the month. I apprehended that a mistake was made in the date and waited on the Judge accordingly. Doctor Flood was sitting with me. Upon my suggesting the mistake to the Judge, he changed the figure *6* into the figure 5, in the evening of the said 5th about 8 Oclock I noticed a party of soldiers, with arms, marching briskly in the Street near the French Coffee House; and heard afterwards that Judge Hall was arrested and was confined in the Barracks, to which place I went immediately to see the Judge but was refused admittance as it was past 9 Oclock. On my return to my lodging I slipped into the American Coffee House where I met with Majr.

[44] Governor Claiborne appointed one of his own kinsmen, Major Richard Claiborne, to be a judge, and perhaps no young official ever received better instructions than were given to him by the Governor.—Gayarré, *op. cit.*, IV, 193-194.

[45] See footnote 30, above.

Chotard[46] one of the Generals Aids, who told me he had some business with me. I invited him to go to my room which he did. Doctor Flood & Mr. Duncan[47] were present and on my invitation went with us, when in my room which I think was near 11 Oclock Majr. Chotard shewed me a written paper (but which I did not read) which he said was an order from the General requiring me to give up the original order of the Judge, as aforesaid. As well as I recollect I told Majr. Chotard that there was an order of Judge Hall's Court; that the Clerk should deliver no original papers out of the office but that I had the order in my pocket and would go with him myself to the General, which proposal was accepted and we went together; Mr. P. L. B. Duplisis went with us. I believe we got to the Generals about 12 Oclock. The General shewed me a letter he had received from Mr Morel, the Counsel of Mr Louaillier informing him the General that a Writ of *Habeas Corpus* had issued in the case of Louaillier. I told the General that the writ had not issued. He asked me for the reason? I answered, because the Marshall had told me that he would not serve it on the Sabbath and that it being returnable at 11 Oclock on Monday I thought it would be time enough to issue it in the morning. The General asked me if I intended to issue it. I said it was my duty to do so and that it would issue. At this the General handed me a printed paper which he said was his General Order and observed that, that order would shew me *he would do his duty also.* The General asked me for the original of Judge Hall before mentioned. It was written on the back of Mr. Louaillier's petition and I handed the General the paper. The General read the order and also the affidavit of Mr. Morel which was at the foot of the petition, and observed to me that the dates of both the order and affidavit had been altered and asked what was all this juggling about? I assured him that there was no juggle and that the reason of the alteration in the dates was as I have stated above. The General mentioned to me he should keep the paper in his own possession. I observed to him

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[46] Henry Chotard of Georgia became second lieutenant of the third infantry on May 3, 1808; first lieutenant on December 31, 1809; regimental adjutant in August, 1811, and retained this rank until October, 1813; became captain on October 9, 1813; and was major and assistant adjutant-general from October 17, 1814, to June 15, 1815. He was retained on May 17, 1815, as captain of the first infantry; was breveted major on December 23, 1814, for gallant conduct at New Orleans; and resigned on December 1, 1820.—Francis B. Heitman, *Officers of the United States Army*, 300.

[47] Abner L. Duncan was an outstanding attorney of New Orleans. He was legal advisor of Wilkinson. When Wilkinson was under investigation by the government the two made a contract with Governor Folch to deliver 1500 barrels of flour to Pensacola at $20 per barrel, so as to procure a letter from Folch. He was a friend of the West Florida Revolution; tried to dispose of the West Florida state paper, but he could not; and allowed the conspirators in West Florida to draw upon him for pay for a boat, lead, powder, and provisions; but he later had to suffer for his too great zeal and his loyalty to the West Florida cause.—Isaac Joslin Cox, *The West Florida Controversy, 1789-1813*, 220, 405, 429, 431, 465.

that there was an order of the Court; that no original paper should be delivered out of the Office. The General said he should keep it under his own responsibility, that it should be safely preserved, and that he would give me a certified copy of it which he did. During the time I was with the General Col Butler,[48] General Gaines,[49] Mr Duplisis and other Gentlemen were present. The writ did issue as I stated above and was left by me at the Marshalls House about half past 10 Oclock, but he informed me afterwards that he did not receive it 'till after 11 Oclock, owing to his absence on other business, yet that he had served it on General Jackson and the conversation turned upon Judge Hall the General observed that he had no personal prejudices against the Judge but that his conduct in the instance in question had brought him, under the cognizance of his, the Generals general order, that this was his, the Generals Camp, and that no person or power must or should be over him in it that he was responsible to his Government,— that he had to make his returns and that his measures were such as he thought best calculated for the interest and safety of the country and would enable him to make returns satisfactory to his conscience.

This statement is given to the best of my recollections

Signed R. C. Claiborne

Sworn this 21st March 1815 in open Court

Signed Dom. A. Hall
Dist. Judge

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[48] Thomas Langford Butler was the son of Pierce Butler, and the nephew of William, Richard, and Thomas Butler, the three soldier brothers. He was born in Lexington, Kentucky, in 1789, and died in Louisiana, October 21, 1880. He became a lieutenant in the army in 1809; captain in 1813; served under Harrison in the Northwest in 1814; was aide to Jackson in the Battle of New Orleans; and was breveted major for gallantry. After the war he was surveyor and inspector of the port of New Orleans; resigned and retired to Kentucky; served in the Legislature in 1826, where he stood by the old court; and was in the Legislature again in 1847.—*Appleton's Cyclopaedia of American Biography*, I, 481.

[49] Edmund Pendleton Gaines (March 20, 1777-June 6, 1849) was born in Virginia, but at the close of the Revolution his parents moved to North Carolina and later to Tennessee. At the age of eighteen he served as lieutenant in a company to fight the Indians. He entered the army as an ensign in 1797, but soon became a lieutenant; surveyed the road from Nashville to Natchez, 1801-1804; was military collector at Mobile and commander at Fort Stoddert; became a captain in 1807; arrested Burr and was a witness against him at Richmond; studied law during a long leave of absence from the army, and began to practice in Mississippi; but the War of 1812 brought him back into the army as a major. He became colonel in 1813; was made adjutant-general and put in charge of Fort Erie; and defended that place so gallantly that he was made brigadier-general and breveted major-general. He received thanks and a medal from Congress; thanks from five states; and swords from three states. He was sent south to help Jackson, but moved so slowly that he did not reach New Orleans until February 4, 1815. In 1817 he was sent as commissioner to treat with the Creeks; he and Jackson later led a campaign against the Creeks and Seminoles; he took part in the Black Hawk War in 1832 and in the Seminole War in 1835, and was wounded and relieved. At the outbreak of the Mexican War he called on Louisiana for volunteers before Congress ordered them, for which act the War Department reprimanded him; he then called on Alabama, Mississippi, and Missouri for troops, and was then removed and ordered to Fortress Monroe for trial by court martial, but the charges were dropped after he ably defended his conduct. He was often in trouble, had no respect for authority, and no obedience. He was fiery and bitter and often thought that others were against him. He died of cholera in New Orleans.—*Dictionary of American Biography*, VII, 92-93.

March 22d. 1815

P. L. B. Duplisis appears in open Court and being duly sworn deposeth and sayeth that on or about 9 Oclock on the night of the 5th of March last, it being sunday evening he went to General Jackson's Head Quarters where the subject of the writ of *Habeas Corpus* the order for which had been issued that day in the case of Mr Louaillier became the subject of conversation, the General observed that he had shopped the Judge, that the deponent observed to the General that he supposed that it would save him the trouble of serving the writ and the General said that he would treat any person who might improperly meddle with his camp in the same manner that he had treated the Judge and that as long as Martial Law continued he would acknowledge no other authority than that of the military, that he considered New Orleans, as forming a part of his camp, that the General said he believed it was a concerted plan between the Judge and Louaillier, that the writ should issue and shewed the Deponent a Letter he had received from Mr Morel which had convinced him of the fact, or words to that purpose, that from the whole tenor of the conversation, the Deponent had with the General at that period, a disposition was manifested by him to disregard the writ of *Habeas Corpus* which was the subject of conversation, this Deponent served the writ upon the General agreeable to the return which is made upon it, that the General said upon receiving it, that he did not know that he should read it and repeated what he had formerly said as to the influence of Martial Law and in a laughing manner asked the Deponent what hour it was, if not past 11 Oclock:

Signed P L. B Duplisis

Also appeared Colo. M Arbuckle who being duly sworn sayeth that on the 5th of the present month of March he commanded the Garrison of New Orleans, that on that evening a little after dark he received from Major Gen'l Andrew Jackson an order of which the following is a copy—towit

New Orleans March 5th 1815
7 Oclock P. M.

Head Quarters 7th. M. District

Having received proof that Dominick A. Hall had been aiding and abetting & exciting mutiny within my camp, you will forthwith order a detachment to arrest and confine him,

& report to me as soon as arrested. You will be vigilant, the Agents of our Enemy are more numerous than was expected. You will be guarded against escapes

Signed Andw Jackson
Majr. Genl. Com'g Forces

Lt Colo. Arbuckle 3d Infty

Doctor Wm E Butler[50] is ordered to accompany the detachment and point out the man

Signed Andw. Jackson
M. G. Comdg

That agreeable to said order, that Deponent sent out a detachment of about sixty men under the charge of Major Butler of the 3d Regiment who returned in a short time with Judge Hall who was confined agreeably to the above order and who was detained in the Custody of the Deponent untill the sunday following the 12 instant. And this deponent further sayeth, that the 1st or 2d. day after confinement of the Judge at the Garrison, the Judge expressed a wish to have a civil magistrate introduced into the Garrison with a view of making a deposition before him for the purpose of applying for a judicial interference in his behalf, that General Jackson ordered the deponent not to permit any civil Magistrate to be introduced for that purpose, in consequence of which the Deponent gave directions that no civil Magistrate (It ends suddenly.)

Signed M. Arbuckle

Mr Morel, a Councellor at Law appeared who being duly sworn, sayeth that on sunday the 5th instant at about 12 Oclock, being at the Exchange Coffee House he saw Mr Louaillier on the Banket the said Coffee-House and who had just been arrested by Captain Amelung, that Mr Louaillier called several persons to witness that he was compelled by force to go with Mr Amelung and that he applied to the Deponent to use legal measures in his behalf for releasing him— that the Deponent then went to his office and drew up a petition to his honor Judge Hall to issue a writ of *Habeas Corpus* in behalf of said Louaillier, that the Deponent went to Judge Hall whom the Deponent found alone in his Parlour and gave him the Petition. That the Judge read the Petition, swore

[50] He could here refer to William Butler of Louisiana, who was hospital surgeon mate on January 30, 1815, and received an honorable discharge on June 15, 1815.—Heitman, *Officers of the United States Army*, 270.

the Deponent to the facts stated in the Petition, and after some reflection as appeared to the Deponent made the order on the Petition and informed the Deponent that he thought it would be proper for him to write a Letter to General Jackson to inform him that the writ had been awarded, that the Deponent carried the order to the Clerk of the District Court and went to his the Deponents office where he wrote the Letter as intimated by the Judge, which is as far as the Deponent recollects in the following words

To his Excellency Maj. Genl. Jackson

Sir, I have the honor to inform your Excellency, that as Counsel, I have made application to his Honor Dom. A. Hall, Judge of the District Court of the U. S. for a writ of *Habeas Corpus* in behalf of Mr Louaillier who conceived that he was illegally arrested by order of your Excellency & that the said writ has been awarded and is returnable tomorrow 6th Instant at 11 Oclock A. M.

I have the honor to be your Excellency's most humble and obt Servant

P L Morel
Counsellor at Law

And the Deponent further sayeth, that during the week the Judge was in confinement, the Deponent applied to the Judge for a writ of prohibition on the Court Martial appointed for the trial of Mr Louaillier, in order to restore him to his liberty, as the Deponent thought his life to be in jeopardy, but the Judge declined issuing the said writ because he was in confinement, and thought that the writ should only be issued in open Court— The Deponent further states, that Mr Louaillier did not direct the Deponent to apply to any particular Judge to issue the aforesaid writ, and that Mr Louaillier was very little known to the Deponent and never had any conversation with the Deponent as far as he recollects previous to the time he was employed by him, the Deponent believes that had any other lawyer been present at the time of Mr. Louaillier's arrest, Mr Louaillier was as likely to employ him as he did the Deponent

Signed P. L. Morel

Capt. Peter V Ogden appeared who being duly sworn sayeth, that on sunday morning the 12 Inst he received through an orderly sargeant an order from General Jackson of which the following is a Copy:

Head Quarters 7th M. Dist:
New Orleans March 11, 1815

Sir

You will detail from your troop a discreet non-commissioned officer and four men and direct them to call on the Officer commanding the 3d. U. S. Infantry for Dominick A. Hall, who is confined in the Guard House for exciting mutiny and desertion within the encampment of the City— Upon the receipt of the prisoner the non-commissioned Officer will conduct him up the Coast beyond the lines of General Carroll's[51] encampment, deliver him the enclosed orders and set him at liberty[52]

By Command

Signed Th. Butler Aide Campe

To Peter V. Ogden
Commanding Troops of Cavalry,
New Orleans.

That the Deponent in obedience to said order, he the Deponent ordered a guard to be detailed of four men and a non Commissioned Officer with directions to convey Judge Hall beyond the lines of General Carroll's Camp, which was about four miles above the town of New Orleans, that the said non Commissioned Officer returned and reported that he had executed the said order

Signed Peter V. Ogden

Mr. Louaillier appeared who being duly sworn, sayeth, that he never had any conversation or understanding directly or indirectly

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[51] William Carroll was born in Pittsburg on March 3, 1788, and died in Nashville, Tennessee, on March 22, 1844. He received a limited education; moved to Nashville in 1810, where he opened a nail store, the first in that state; joined the militia of Jackson, and in 1812 became captain of volunteers; was made brigade inspector soon thereafter by Jackson, and soon became a major. When Jackson was appointed major-general in the United States army, Carroll became major-general of the militia. On December 19, 1814, he arrived at New Orleans with 2500 men, and on January 8, 1815, attacked, inflicting heavy losses on the British. On February 2, 1815, the Louisiana Legislature passed a resolution thanking him. After the war he settled at Nashville and became the owner of the first steamboat at that post, which he named the *Andrew Jackson*. He was elected Governor of Tennessee in 1821, 1823, 1825, 1829, 1831, 1833, but was defeated in 1835. He was very popular in his state, for he distinguished himself at Enoctochopco and was wounded at Horse-Shoe Bend on the Tallapoosa River on March 13, 1814, and had fought a duel with Jesse, the brother of Thomas H. Benton. In 1825, he revisited New Orleans, where he received a hearty welcome from a committee appointed to receive him, as well as from the enthusiastic public. On his tombstone are these words, "As a gentleman he was modest, intelligent, accomplished; as an officer he was energetic, gallant, daring; as a statesman he was wise and just."—Fortier, *Louisiana* (Cyclopedic), I, 170-171; *Appleton's Cyclopaedia of American Biography*, I, 539.

[52] The following letter was handed to Judge Hall after he was taken beyond the lines of Jackson's encampment: "New Orleans, March 11, 1815. Sir, I have thought proper to send you beyond the limits of my encampment, to prevent you from a repetition of the improper conduct for which you have been Arrested and Confined; And to order that you remain beyond my chain of centinels untill it is announced by proper authority that the ratification of the treaty between Great Britain and the U. States, has been made, or the enemy shall have left the Southern coast. The limits of my encampment are described by the lines of Genl. Carroll; four miles above the city, the Lakes in the rear, of the City, And the lines of the 7th Infantry four miles below the Same,"—Bassett, *Correspondence of Jackson*, II, 189-190.

with Judge Hall on the subject of an Article published in the Louisiana Courier the 3d. of March Inst signed a Citizen of Louisiana of French Origin, the writing of which Article was alleged to be the cause of confining the Defendant by military authority.

Signed Louaillier ainée

Major W O Winston appeared who being duly sworn says that the paper marked A being a writ of *habeas Corpus* issued in behalf of Mr Louaillier by Judge Hall was given to the Deponent by Major Reid,[53] Aide Campe of Major General Jackson in order to be used by this Deponent on the trial of said Louaillier before a Court Martial of which this Deponent was Judge Advocate, that the said writ was applied for by the Deponent that was detailed by General Jackson as Judge Advocate of the Court aforesaid of which he was informed by General Jackson before breakfast on the 6th of March Inst., that in a conversation with General Jackson he expressed doubts as to his (Louaillier being subject to be tried by a Ct. Martial) but on examination of the rules and articles of war and advising with some Gentlemen present whom he considered as authority on such subjects, his impression was that he was embraced by certain Articles of War for the offences therein designated. Genl. Jackson thought him liable to be tried by a Court Martial by virtue of a General Order issued by his declaring "Martial Law to exist in the City of New Orleans and its environs"— He appeared clear in his convictions as to this subject. This Deponent expressed a doubt as to the effect & extent & legal operation of the order declaring Martial Law— General Jackson spoke of a writ of *Habeas Corpus* which had been issued, of erasures & interlineations which had been made in the order of the Judge granting the writ upon the petition, expressed his willingness to obey the civil authorities of the Country and the right of the Judges to writs elsewhere than in his camp and that he would obey them— This Depon't inferred from the general tenor of General Jackson's conversation that he did not intend or conceive it proper to pay any attention to the writ of *Habeas Corpus* for Louaillier or any other writ issued within the limits of his camp

Signed Wm O Winston

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[53] John Reid of Tennessee was ensign of the first infantry, April 21, 1806; second lieutenant, December 9, 1807; resigned, January 31, 1809; became captain of the forty-fourth infantry, July 15, 1814; was transferred to the first infantry, May 17, 1815; was breveted major on December 23, 1814, for gallantry at the siege of New Orleans; and died on January 18, 1816.—Francis B. Heitman, *Historical Register and Dictionary of the United States Army, 1789-1903*, 822.

Copy of the writ of *Habeas Corpus* referred to in the foregoing deposition and marked A.

The President of the United States of America

To Maj. Gen'l Andw. Jackson commanding the 7th Military District

You are hereby commanded, that on this day at 11 Oclock in the forenoon you have the body of Louaillier said to be held in illegal imprisonment under your orders, together with the day and cause of his capture & detention, before the Hon. Dom. A. Hall District Judge of the United States in and for the District of Louisiana to the end that the said Louaillier may do, submit to, and receive whatever the said Judge shall consider in that behalf and have you then and there this writ.

Witness the Hon Dom. A. Hall
Judge as aforesaid

This 6th day of March in the year of Our Lord, One thousand eight hundred and fifteen, and 39 year of the independence of the United States

Signed R Claiborne Clk

On which writ is the following return

Received the 6th March 1815 at ¾ past 11 Oclock A. M. on the same day between the hours of five and six P. M. I served the within writ upon Maj Gen'l Andw. Jackson

New Orleans March 17, 1815
Signed P L B Duplisis Marshall

This writ was served upon Maj. Gen'l Andw Jackson at a quarter past six in the afternoon of Monday the sixth March 1815

Signed E. L.

Copy of Louaillier's petition for a writ of *Habeas Corpus*

To the Hon. D. A. Hall Judge of the United States District Court in and for the Dist. of Louisiana

Louaillier an inhabitant of this District and Member of the House of Representatives of the States of Louisiana

Humbly sheweth that he has been this day illegally arrested by F. Amelung[54] an officer in the 44 regiment, who

[54] Ferdinand Amelung was a trusted officer of Jackson. On April 23, 1816, Jackson sent a message to the Spanish commandant at Pensacola by Amelung, that the Negroes had a fort near the junction of the Flint and the Chattahoochee and were really outlaws there. Amelung, of the first United States regular infantry was commanded to wait for the answer. On June 4, 1816, Amelung wrote Jackson that he had been cordially received and entertained at Pensacola; gave Jackson a description of the Negro fort and its armament; and told him about the strength of Pensacola. He said that the Governor had agreed to call upon the captain-general of Cuba for soldiers to destroy the fort, and if he did not send them he would be glad to call on Jackson to assist him in demolishing the fort.—Bassett, *Correspondence of Jackson*, II, 241-243.

informed your petitioner, that he did arrest your said petitioner agreeably to order given to him (the said Amelung) by his Excellency Major General Jackson and that your said petitioner is now illegally detained pursuant to said orders—

Wherefore your petitioner prays that a writ of *Habeas Corpus* may issue to bring him before your honor that he may be dealt with according to the Constitution & the Laws of the United States

Signed P L Morel Atty for the Petitioner

P. L. Morel being duly sworn declares that the facts stated in said petition relative to the arrest of said Louaillier are true in testimony whereof he inscribes the present in New Orleans on the 5th of March 1815—

Sworn and subscribed before me

Signed Dom A Hall Dist. Judge

On which is the following endorcement "Let the prayer of the petition be granted and the petitioner be brought before me at 11 Oclock tomorrow morning"

Signed Dom A Hall
5th March '15

Afterwards towit on the 23d day of March 1815 the following order was entered of record— towit—

United States
No 791 Vs.
Maj. Gen'l Andw. Jackson

On motion of Abner L Duncan Esqr ordered that the rule granted in this case be and the same is hereby made returnable to saturday next at 10 Oclock A. M.

Afterwards towit on the 25th day of March 1815 the following order was entered of record towit

United States
No 791 Vs.
Maj Gen'l Andw. Jackson

On motion of Mr Livingston[55] Council for Maj Gen'l Andw. Jackson and with consent of the District Atty. It is ordered that

[55] Edward Livingston (May 26, 1764-May 23, 1836), after graduating at Princeton and reading law soon became one of the leading attorneys of New York. He served in Congress from December 7, 1795, to March 3, 1801; worked for the election of Jefferson over Burr by the House in 1801; became United States Attorney for New York in March, 1801; was elected Mayor of New York City in August, 1801; stuck to his post during the yellow fever epidemic of 1803 and almost died of the disease; and the betrayal of his business agent bankrupted him. He conveyed all his immense property to his creditors; confessed judgment in favor of the United States to the amount of $100,000, although he owed the government only $43,666.21; and, resigning both his offices in December, 1803, he sailed for New Orleans, where he arrived

the rule in this case, which was made returnable on this day be laid over until monday next 10 Oclock A. M.

Afterwards towit on the 27 day of March 1815 the following entry was made, towit—

United States
No 791— Vs.
Maj Gen'l Andw. Jackson

In pursuance of a rule granted to shew cause why an attachment should not issue against the Defendant for the causes therein set forth the said defendant personally appeared in open Court and offered a certain paper as his defence said to be sworn to and subscribed by him, the recording of parts of said paper was objected to whereupon the Court laid down the following rules
1. If the party object to the jurisdiction the Court is ready to hear
2d. If the party's affidavit contains a denial of the facts sworn to or if he wishes to shew that the facts charged do not in Law amount to a contempt the Court is ready to hear If the answer contains any thing as an apology to the Court it is ready to hear— If the party be desirous to shew that by the Constitution or Laws of the United States or in virtue of his Military Commission he had a right to act as charged in the affidavits the Court is ready to hear.

After arguments again as to the admissability of certain parts of the said paper the court took time to advise

Afterwards towit on the 28 day of March 1815 the following entry was made towit—

United States
791 Vs.
Maj Gen'l Andw. Jackson

On this day his honor delivered the following opinion— the Court has taken time to consider the propriety of admitting the answer that was offered yesterday: It is proper to do so— 1st because this is the first proceeding of any importance for contempt instituted in this Court, since its establishment— 2dly because from the constitution of the Court it consists of but one Judge

in February, 1804. He fought hard for success in his new location; drew up the Louisiana code of 1805; was appointed in 1821 on a committee to make a criminal code and a code of procedure for the state; served in Congress from December 23, 1822, to March 3, 1829; paid the government in 1826 the money he owed it, which, including interest, amounted to $100,014.89; served in the United States Senate from 1829 to 1831; was Secretary of State from 1831 to 1833; minister to France from 1833 to 1835, where he made an excellent record; and was a writer of note.—*Appleton's Cyclopaedia of American Biography*, III, 745-747.

and it so happens that one of its causes of contempt is the imprisonment of the Judge and the consequent obstruction of the Courts of Justice This is no reason why the proceedings should not have been instituted and persevered in but it is a good one for much deliberation. No personal consideration ought for a moment to induce the Judge to abandon the defence of the Laws, the support of the dignity of the Tribunals and the rights of his fellow Citizens I have considered this case well and I think I perceive the clear course. On the rule to shew cause the party called on may take legal grounds to shew that the attachment should not issue, he may take exception to the mode of proceedings or prove from the affidavits offered that the facts charged do not amount to a contempt; If the Court be convinced that the attachment may legally issue, it goes to bring the party into Court and then interrogations are proposed to him. He may object to any of the interrogations as improper, or he may deny the facts charged and purge himself of the contempt on oath. His single testimony countervails that which may have been adduced. I will hear any of the exceptions made in the answer, or any other question of Law that may be urged. Should the Court think that the attachment may issue interrogations may be filed.

Whereupon after the reading of the affidavits and the hearing of Arguments by the Counsel of the United States— the Court took time to consider—

And afterwards towit on the 29 day of March 1815 the following order was entered of Record— towit—

United States
No. 791 Vs.
Maj Gen'l Andw. Jackson

The Court being of opinion that sufficient cause had not been shewn why an attachment should not issue. It is ordered that an attachment do issue against the Defendant Maj Gen'l Andw Jackson returnable on Friday the 31st of March instant

Afterwards towit on the 31st day of March 1815 the following attachment was issued— towit—

The President of the United States of America

To the Marshall of the Louisiana District, or to his lawful Deputy, Greetings— You are hereby commanded, that you attach Maj Gen'l A Jackson so that he be and appear before the District Court of

the United States for the Louisiana District to be holden at the City of New Orleans in the usual place of Judicature on Friday the 31st day of this month of March at 11 the Clock before noon, then and there to answer to certain matters of contempt of the said Court, by him the said Maj Gen'l Andw Jackson alledged to have been committed: and have you then and there this writ—

Witness the Honorable Dominick A Hall
Judge of said Court

At New Orleans, this 30th day of March in the year of our Lord One thousand eight hundred and fifteen and in the 39 year of the Independence of the United States of America.

Signed R Claiborne, Clk

Upon which attachment the Marshall made the following return— towit— Served the 31st Inst at ½ past six Oclock

Signed M. Reynolds Marshall

And afterwards towit: on the 31st day of March 1815 the District Attorney of the United States filed the following interrogations, towit

District Court of the United States
Louisiana District

The United States
Vs.
Maj Gen'l Andw. Jackson

Interrogations upon attachment for contempt

1st Interrogatory— Did you not on Sunday night the 5th of March inst. take from Richd. Claiborne Clk of this Court an original order made by the Hon. Dom A Hall Judge of this Court according a *Habeas Corpus* to bring, on the next day, before the said Judge the body of Louis Louaillier then a prisoner in your Custody, although the said Clerk informed you that it was contrary to the practice of said Court to take any original paper out of the Clerk's keeping?

2d Interrogatory. Did you not threaten the said Clerk with the effects of a General Order issued by you, declaring Martial Law, or otherwise, in case he issued the *Habeas Corpus* agreeable to the order of the said Judge?

3d. Interrogatory. Did you not in the presence of the said Clerk, accuse the said Judge of a juggle in awarding the writ of *Habeas Corpus* in the case of the said Louaillier?

4th Interrogatory. Did you not on sunday evening the 5th of March Instant say to P. L. B. Duplissis the Marshal of the said Court, that you had shopped the Judge for ordering a writ of *Habeas Corpus* to issue and threaten the like treatment to any person who should interfere with your authority— or language to that effect?

5th Interrogatory. Did you not say to the said Marshall when he served the writ of *Habeas Corpus* which had issued in the case of the said Louaillier, that you did not know whether you would read the said writ and laughingly asked if it was not passed 11 Oclock the return hour of the said writ—?[56]

6th. Interrogatory— Did you not in conversation with the said Marshal, on the 5 and 6th of March inst, say to him that you had no intention of obeying the said writ of Habeas Corpus or language to that effect—?

7th Interrogatory— Did you not on the evening of the 5th or before 9 Oclock of the morning 6th of March instant cause a Court Martial to be detailed for the trial of the said Louis Louaillier?

8th Interrogatory. Was not Maj Wm O Winston[57] appointed the Judge Advocate of the said Court Martial and did you not say to him early on the morning of the 6th of March inst that you had no intention of obeying the writ of Habeas Corpus issued in the case of the said Louaillier?

9th Interrogatory— Did you not after the said writ of Habeas Corpus was served upon you by the Marshal cause the same or a Copy thereof to be placed in the hands of the said Wm O Winston to be used as testimony against the said Louaillier on his trial before the said Court Martial?

10th Interrogatory— Did not the said Louis Louaillier put in pleas to the jurisdiction of the said Court Martial alledging that he was subject to a writ of *Habeas Corpus* awarded by the District Judge of the United States for this District?

11. Interrogatory. Did not your Aide Camp Edward Livingston endorse upon the said the memorandum thereon made?

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[56] Ferdinand Louis Amelung of Germany and of Louisiana was the officer who was sent to arrest Louaillier. He was captain of the Louisiana volunteers in 1812 and 1813; became a captain of the forty-fourth infantry on March 11, 1814; was transferred to the first infantry on May 17, 1815; resigned on January 7, 1819; and was killed in a duel in 1820.—Heitman, *Officers of the United States Army*, 161; also footnote 54, above.

[57] William O. Winston of Virginia and Mississippi became first lieutenant of the twenty-fourth infantry on March 13, 1812; adjutant in November, 1812, which position he held until August, 1813; captain on August 15, 1813; received an honorable discharge on June 15, 1815; became judge advocate on April 29, 1816; and was honorably discharged on April 14, 1818.—Heitman, *Officers of the United States Army*, 1051; also footnote 43, above.

12. Interrogatory. Was not the said memorandum made and the said writ adduced as testimony against the said Louaillier in order to induce the said Court Martial to believe that the writ being returnable before it was served it was impossible for you to comply with the said writ of *Habeas Corpus* and thereby to shew that the said Court Martial might proceed against the said Louaillier uncontroverted by any civil Tribunal?

13. Interrog. Was not the trial of said Louaillier upon charges which jeopardized his life?

14. Interrog. Was not the said Louaillier at the time a member of the Legislature of the state Louisiana? or was he enlisted in the Army or Navy of the United States? or did he hold a commission therein? or was he in the Militia of the state of Louisiana men in actual service with the Troops of the United States?

15th Interrog. Were you not informed by P L Moral on the evening of sunday the 5th of March Inst that an order directing a writ of *Habeas Corpus* to issue had been made by the said Judge?

16. Interrog. Did you not thereupon order Colo Arbuckle to send a detachment of soldiers to arrest the said Judge to confine him in the Garrison?

17. Interrog—Was not the said Judge arrested accordingly on the night of the 5th of March Inst and detained as a prisoner in the said Garrison until Sunday the 12 of March Inst—?

18th Interrog. Did you not on being informed by Colo Arbuckle that the said Judge the 1st or 2d day of his confinement wished a civil magistrate to be introduced into the Garrison in order to take his the Judges Deposition order the said Colo Arbuckle not to permit any civil magistrate to be introduced for that purpose?

19th Interrog. Did you not on the 11 of March Inst cause an order to be given to Capt Ogden, directing him to detail a guard to conduct the said judge beyond the limits of Genl Carrol's Camp 4 miles above the City of New Orleans with directions to the said Judge not to return within the same untill the confirmation of peace or the disappearance of the enemy from the Southern Coast— And was not the said order executed accordingly on the 12 of March Inst—?

Signed John Dick Atty of the U. S. for the Louisiana Dist

Afterwards towit on the 31st day of March 1815 the following entry was made— towit—

The United States
No. 791 Vs.
Maj. Gen'l Andw. Jackson

Interrogatories to the defendant Maj Gen'l Andw Jackson were filed

On this day appeared in person Gen'l Andw. Jackson and being informed by the Court, that an attachment had issued against him for the purpose of bringing him into Court and the District Atty having filed Interrogatories, the Court informed Gen'l Jackson that they would be tendered to him, for the purpose of answering thereto. The said Gen'l Jackson refused to receive them or to make any answer to the said Interrogatories— whereupon the Court proceeded to pronounce Judgment; which was that Maj Gen'l Jackson do pay a fine of One Thousand Dollars to the United States—[58]
District Court of the United States

The United States
vs.
Major Genl. Andw. Jackson

Transcript

Jackson to John McLean[59]

Washington March 22d. 1824

Sir

My friend Colo Croghan[60] has made known to me his desire of obtaining the office of Post Master at New Orleans, which he is advised will become shortly vacant by the resignation of the present incumbent.

[58] Judge Hall was determined to uphold the law, and after the celebration of peace died down this old Englishman, who had become an American citizen and whom Jackson so cordially hated, allowed Dick to bring Jackson into court and fined him $1000. Jackson refused to take the money from his friends there, who raised it for him; he quelled by a look a demonstration in his favor; bore himself with great dignity; in a speech at a coffee-house he advised his friends to obey the law; but for Hall he always retained a dislike. In 1844 Congress, after two years of debate, restored the fine with interest, which amounted to $2732; but Jackson was now old, diseased, despondent, and heavily in debt. In his old days he wrote trying to justify his conduct at New Orleans. Among other letters, he wrote to James W. Breedlove on January 11, 1843, to procure the authentic dates of the deaths of Judge Hall and Louaillier and send them to him as soon as possible. On February 17, 1843, Jackson wrote Breedlove thanking him for the information.—Bassett, *Correspondence of Jackson*, V, 372; VI, 146, 157, 166, 182, 191, 192, 195, 196, 198, 208; Bassett, *Life of Jackson*, 153, 208, 225, 228, 245-246.

[59] West Florida Papers, Library of Congress.

[60] George Croghan was born in Louisville, Kentucky, November 15, 1791, and died in New Orleans, January 8, 1849. His father was Major William Croghan of Revolutionary fame and his mother was a sister of George Rogers Clark. He graduated at William and Mary College; entered the army and was aid to Colonel William Boyd in the Battle of Tippecanoe; became captain on March 12, 1812; distinguished himself under Harrison; was aid under him with the rank of major; was breveted lieutenant-colonel for bravery at Fort Stephenson on August 1 and 2, 1813; was later given a gold medal by Congress; became regular lieutenant-colonel on February 21, 1814; and resigned from the army in 1817. He was appointed postmaster at New Orleans in 1824; inspector-general with the rank of colonel, December 21, 1825; and joined Taylor's army in Mexico in 1846, and fought in the Battle of Monterey.—*Appleton's Cyclopaedia of American Biography*, II, 13.

As I am confident he is well qualified and has high claims upon his Country, and having the highest opinion of his character, it gives me pleasure to express my wishes that he may succeed in his application.

Should the Colo. not succeed, which I should sincerely regret, I am requested by several gentlemen from Orleans to name to you Capt Robeson, Capt. Saul and Capt. Richardson,[61] all of whom are well recommended as to good character and fitness for that office.

It has been stated to me that Mr. Fulwar Skipwith is an applicant for that office.— If so I feel it as a duty due to the Executive to make known his conduct during the assault on New Orleans by the British army in the late war. Mr. Skipwith was speaker of the Senate, had been in the confidence of the Government, and in consequence thereof received mine— From his situation I expected much aid from him; you may imagine my surprise when I tell you that instead of being with those who were in defence of the Country in the then trying crisis, he was found with those who were engaged in paralysing my defence. He would neither prorogue the Assembly nor adjourn it to Baton Rouge; and when the minority abandoned the Assembly and tendered their services as volunteers at my line of defence, Mr Skipwith remained with those who were charged with a design to deliver the City to, and make terms with the enemy. One part of his conduct it is necessary to detail— When I left the City and marched against the enemy on the night of the 23d of December 1814 I was obliged to leave one of my Aids in command, having no other confidential officer that could be spared from command— a few days after, Mr. Skipwith in person, applied to my Aid to be informed what would be my conduct if driven from my lines of defence and compelled to retreat through New Orleans; whether I would leave the supplies for the enemy or destroy them— As reported to me by my Aid he wanted this information for the Assembly, that in case my intention was to destroy them, they might make *terms* with the enemy and save the City— Obtaining no satisfaction from my Aid, a Committee of three waited upon me for information on this subject— To them I replied "If I thought the hair of my head knew my thoughts upon that subject I would cut it off or burn it— To return to their Honorable body and say to them from me, that if I was so unfortunate as to be driven from the lines I then occupied and compelled to retreat

[61] He likely refers to Robert D. Richardson of Virginia and Ohio, who was captain and deputy commissary of ordnance on August 5, 1814; retained as captain of ordnance on February 8, 1815; was transferred to the seventh infantry on June 1, 1821, and to the first infantry on September 24, 1821; and resigned June 1, 1822.—Heitman, *op. cit.*, 829.

through New Orleans, they would have a *warm session*". This ended my intercourse with the Assembly until the evening of the 8th of January when Mr. S. rode down to congratulate me upon the event. From the foregoing you can judge how much he merits the bounty of his Government to the exclusion of those who have real claims for important services rendered.

I am Sir with great respect

Yr. mo. obdt servt.

Andrew Jackson

John McLean Esqr.[62]
Post Master Genl.
(Copy) (About Fulwar Skipwith)[63]
Genl. Jacksons letter to the Post Master Genl. March 22, 1824.

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[62] John McLean (March 11, 1785-April 4, 1861) was born of Irish parents in New Jersey; in 1789 he moved to Virginia, and then to Kentucky, and in 1799 he settled in Ohio. He was educated at various schools, but procured little formal education, so at the age of sixteen he earned money to employ private tutors. He was indentured to the clerk of Hamilton county court; read law under Arthur St. Clair; was admitted to the bar in 1807; married Rebecca Edwards, and founded the *Western Star* at Lebanon, Ohio, in 1807; was elected to Congress in December, 1812; reelected in 1814 by a unanimous vote, as no one who voted at the election failed to vote for him; declined to be a candidate for the Senate in 1815; and resigned his seat in Congress in 1816 to become a judge of the supreme court of Ohio. He retained this position until 1822, when monroe appointed him to the land office; became Postmaster General in 1823; made a national reputation by his organization and conduct of that office; was retained in this position by John Quincy Adams; disapproved of the policy of Jackson regarding the spoils; and was then appointed by Jackson to the United States Supreme Court, which position he retained until his death. He made a good record as a judge and was often mentioned as a presidential possibility, having received 196 votes in the Republican National Convention of 1856 for the nomination.—*Dictionary of American Biography*, XII, 127-128.

[63] Fulwar Skipwith was born in Dinwiddie county,Virginia, February 21, 1765, and died at Montesano plantation just above Baton Rouge, Louisiana, January 7, 1839, at the age of seventy-four. In 1790 Washington appointed him consul-general to a small group of French West India islands, including Martinique, Guadaloupe, Sainte Lucie, and others. Ten years later Jefferson appointed him consul-general to France, with headquarters at Paris. During those trying years of the Consulate and the Empire, he was the sole commercial and diplomatic agent of the United States in France much of the time, for the government refused to communicate with the regular American minister. He made an excellent record in France; refused land grants as a bribe for his influence; was a great help to the stranded American sailors during the operation of the Milan and Berlin decrees; but when he failed to get along with Armstrong, he resigned and located in West Florida. He was a noted figure in his new home; brought to West Florida French *politesse*, notions, and habits; was made a judge of this American province; and became a leader in the movement for the independence of West Florida. After independence was attained he was elected President of the new republic; favored annexation to the United States, but desired that the Republic should take over the territory to the Perdido before it was absorbed into the United States. At first he refused office under the United States, but later he became register of the land office for all claims west of the Pearl River. After declining election to the Legislature of the Territory of Orleans, he later served in the State Legislature with honor to himself and the state. He brought to America his wife, a Flemish Countess, and his children, but he and his wife did not live in harmony, and the children took the mother's side. He and his nephew lived on Montesano plantation in oriental style. From early morn until late at night he superintended his planting operations. At night he and his nephew sat in stately chairs by the fireplace; picked cotton from the seed; and enjoyed the evening. While they worked, Skipwith talked of Marley, Versailles, Paris, Bonaparte, Barras, Sieyes, Talleyrand, and other people and things while he smoked, ate supper, drank water and whiskey; and acted the part of a royal prince. After the cotton was picked, the tobacco all smoked, the whiskey all consumed, the sugar all used up, and the candles burned out the graceful old courtier would bow himself from the room as courteous, graceful and dignified as a prince of the *ancien regime*. Perhaps in all West Florida, in all Louisiana, or the whole United States there was not a more unique, interesting, and patriotic citizen than Consul, Governor, and Senator Fulwar Skipwith. His elder daughter, Lelia, married Thomas Bolling Robertson, who served Louisiana as Governor from 1820 to 1824.—Stanley Clisby Arthur, *Story of West Florida*, 38, 90-91, 95, 128, 136, 139, 142-143; Isaac Joslin Cox, *West Florida Controversy, 1789-1813*, 123, 259, 416, 417, 473-477, 572, 600.

Skipwith to Wm. Y. Lewis[64]

Montesano— April 23d. 1827

My Dear Sir

I indulge myself with a sanguine belief, from mutual and long standing sentiments of friendship between us, that it will not be in vain for me, on the present occasion, to appeal to your aid in procuring for me the necessary evidence to repel the base and most malignant attack made upon my conduct & character by Genl. Jackson, & especially since you were an eye witness to both, & a companion with me in arms throughout the whole of the scenes of the invasion of N. Orleans by the British army, during which the General has pleased deliberately & many years afterwards to denounce not only me, but all who remained in the City for its preservation & defence, as Traitors to their Country!—

By the Copy now enclosed of my letter to Judge Turner,[65] you will perceive that it is more than a month since I addressed myself to him in pursuit of the same object.— This I did, because he was not only as much privy to my conduct during the siege, as yourself, but was the first to communicate to me verbally, a few months back, the fact of Genl. Jackson having with great grossness & indecency, proclaimed me a traitor, to President Monroe, in presence of several Members of Congress, one of whom repeated that fact to him, or in his hearing, at a very respectable dinner Party in Kentucky.— My packet for Judge Turner containing the same papers here transmitted, I forwarded from St. Francisville by Mr. Lobdell, without communicating, however, to Mr. L. any thing of their contents; but to him, or rather to Messrs. Watts & Lobdell, I wrote eight or ten days ago, on hearing nothing from Judge Turner, requesting to be informed whether my packet had been delivered to him, which in case it had, I presumed the Judge not disposed to act in promoting my objects, & therefore desired it might be handed over to Capt. Debuys,[66] who when I had the pleasure to see in the City, in

[64] West Florida Papers, Library of Congress.

[65] This reference must be to Fielding Turner, who had been in the U. S. army in Louisiana in the territorial period; was later a judge in Ascension in 1808, and a New Orleans attorney in 1813; in 1827 he was still a prominent attorney of New Orleans.—Dunbar Rowland (ed.), *Official Letter Books of W. C. C. Claiborne, 1801-1816*, IV, 221-222, 259, 261; Gayarré, *op. cit.*, IV, 79, 87, 297; *Laws of Louisiana* (1827), 126. Internal evidence in the letter seems to prove that it could not have referred to James Turner, of West Feliciana, who was a member of the Legislature of the Territory of Orleans just prior to statehood, and who continued to be a prominent lawyer in Feliciana until after 1827.—*Letter Books of Claiborne*, VI, 77; *Laws of Louisiana* (1828), 136; *Ibid.*, (1828-29), 70. The same evidence would seem to exclude Edward Turner, who was a prominent judge at Natchez, Mississippi.—*Appleton's Cyclopaedia of America Biography*, VI, 186. These three Turners appear to have been brothers.— (Editor *Louisiana Historical Quarterly*).

[66] Gaspard Debuys, a prominent citizen of New Orleans, commanded the military organization of old men to defend New Orleans during the British invasion of 1814-15.—Fortier, *History of Louisiana*, III, 167, 172.

Feby. last, expressed both willingness & readiness to afford ample & satisfactory testimonials of my conduct & character while under his command during the invasion by the British Fleet and Army, as he did, as you must well recollect, when on a former occasion, & unsolicited & unknown to me, from a love of truth & justice, you silenced the slanderous pen of certain of the Generals Panders, in relation to me.

My indiscretions I own in some instances have been hurtful to myself, but never have been, nor never shall prove hurtful to my friends.— To your judgment & experience I would wish to leave the manner & choice of persons, from whom to elicit truth & facts to support me in the publick vindication which I conceive myself, most reluctantly, compelled to make of my conduct at the Siege.— I bear Genl. Jackson no malice; but as much respect & gratitude for his military services in defending our State, as any Citizen ought to do who loves still more the laws & Government of his Country & respects truth.— Every such man in the City I shall flatter myself, who was engaged in its defence would join you, the estimable Capt. Debuys, & his surviving companions in arms, in doing me individually justice, and repelling the foul aspersion cast upon them all little less than upon myself in the Generals letter to the Post Master General.

Having none of the Journals of the Legislature by me, at the epoch of the Invasion by the British, I beg you to forward them to me & if possible, to procure for me extracts from their deliberations with closed doors, on one of which from the presidential chair of the Senate I called to order & compelled to sit down, a very respectable Member (& I have since thought arbitrarily) for complaining of the burthen of expences of the war.— Mr. Chabaud, the Secretary of the Senate at that time, could assist you very much in procurring these things, & in arriving at the true knowledge of the Generals history of the "deputation of these Members to him": of which I have not the slightest recollection, & being conscious that no Deputation of that sort did originate, or ever was proposed, in the Body over which I presided, I must doubt altogether of the truth of the assertion.

Mr. Louallier, another of the Generals victims of wrath, than whom, in my humble opinion, there was not a more patriotic & useful Citizen of this State during the whole of the Siege, could aid you much in furnishing useful notes, if he would.— To the two papers B & C I have left much space in the hope that you & other

well informed friends may be induced to fill up with interesting observations for me to profit of in preparing my intended publication for the Argus of N. Orleans.— I have only to add that your candid, & unreserved opinions & advice, however much they may condemn the course I am here adopting, will be received with gratitude & in the most sacred confidence by your old & faithful friend

Fulwar Skipwith

Wm. Y. Lewis Esqre.[67]
F. Skipwith's letter to Wm. Y. Lewis April 23, 1827.

Skipwith to the Richmond Enquirer.[68]

Montesano, May 13, 1827

Gentlemen—

I take the liberty to request admission to your columns, of the papers here enclosed, containing Genl. Jacksons attack upon my conduct, & character at New Orleans during the late War, together with my reply.— Should it be inconvenient to you to publish those papers & this letter, I request them to be transmitted for publication to the Editors of the National Intelligencer[69] at Washington, a paper as well as yours, which I have taken & read with great interest since first they were established.

In the days of my youth, I had the honor to be one of the Defenders of my native State, as a volunteer soldier of the ranks,

[67] It has been impossible to identify any such individual as "Wm. Y. Lewis" in New Orleans in 1827, or in Louisiana at any other time. It would seem logical that Skipwith should have addressed his letter to Joshua Lewis, who was a soldier in the Battle of New Orleans in 1815, and who served as Judge of the First Louisiana District Court until his death in 1833.—Fortier, *Louisiana* (Cyclopedic), III, 257. However, in that case it seems that he should have been addressed as "Judge". Could it be possible that the copyist of the letter had in mind Wm. "B." Lewis, an intimate Tennessee friend of Jackson, and by a slip of the pen wrote "Y" for the middle initial "B"? Who "Wm. Y. Lewis" might have been is still a mystery to the Editor of the *Louisiana Historical Quarterly*.

[68] West Florida Papers, Library of Congress. This same letter was printed in the *Richmond Enquirer*, June 26, 1827, along with the letters of Jackson to McLean, March 22, 1824, and Skipwith to Jackson, May 15, 1827. There are a few changes in punctuation and capitals.

[69] Joseph Gales, Jr., was born in England, April 10, 1786, and died in Washington, D. C., July 21, 1860. He was educated at the University of North Carolina; learned printing in Philadelphia; and was associated with Samuel Harrison Smith in publishing the *Independent Gazetteer*, which they moved to Washington in 1810 and renamed the *National Intelligencer*. He became sole proprietor of this paper in 1812, which was then a tri-weekly. In 1812 he formed a partnership with his brother-in-law, William Winston Seaton, and in January, 1813, they began the publication of the *Daily National Intelligencer*, which was not suspended until 1869, after the death of both proprietors. From the time of their coming together until 1820 they were the sole reporters for Congress, one in the Senate and the other in the House. As a rule they published only running reports, but the important debates were published in full. Had it not been for their industry many of our important records would have been lost. The *Intelligencer* was a strong advocate of the War of 1812, and when the British entered Washington, Admiral Cockburn's anger was especially aroused against this journal, one of whose editors was of English birth. He first intended to burn the building, but being dissuaded by occupants of adjoining houses, he wreaked his vengeance upon the printing materials and other property. He ordered the valuable library to be taken into the street and burned, himself assisting in the destruction, and the type thrown from the windows, and the presses broken, thus causing a loss of several thousand dollars.—*Appleton's Cyclopaedia of American Biography*, II, 575.

at the siege of York, which gave Independence to this great Republic.— In my old age I had the honor, at New Orleans, to array myself against the same invading Foe, in the same humble station, without pay or rations; & altho' I cannot boast promotion I may truly add I served on both occasions & with equal Zeal & devotion to my country— now covered by the result with so much Glory.— Virginia proudly, & I believe, justly proclaims giving birth to no Traitors. I therefore wish to stand upon my trial in her eyes, & though of a former & trust I shall be pardoned by the present Generation of my native State, for thus publickly calling on Genl. Jackson to sustain his charges of my being a Traitor, or at least having aided, and abetted, Treasonable acts or designs in others.

Permit me, Gentlemen, to subscribe myself with great respect & regard

Fulwar Skipwith

Fulwar Skipwith to Editors of Richmond Enquirer,[70] May 13 1827.

Skipwith to Jackson[71]

Montesano, near Baton Rouge
May 13th. 1827

Sir

Retired for many years past from Public and, altogether, confined to domestic concerns, I had fondly hoped to descend to my Grave, without the censures of the Politicians of the day &, still less, the unrelenting persecutions of one so conspicuous among them, as yourself.— And altho my "conduct" and character, "during the attack upon New Orleans" had, years ago, occupied a page

[70] The *Richmond Enquirer* was established in 1804 by Thomas Ritchie and W. W. Worsley as a continuation of the *Examiner*. Ritchie edited it until 1845 when he became editor of the *Washington Union* and gave the *Examiner* to his sons. This journal was published until 1877, when it was suspended. From 1808 to 1812 William Wirt was a contributor to the paper. It was the organ of the Virginia Democracy; opposed Jackson; had quite a long list of noted editors; and was published thrice a week.—(Ada Tyng Griswold, *Newspaper Files in the Library of the State Historical Society of Wisconsin*, 285.) Thomas Ritchie (November 5, 1778-July 12, 1854) was born in Virginia and died in the same state. His father, a native of Scotland, died when his son was six years old. He acquired an academic education and studied medicine, but abandoned it to become a teacher in Fredericksburg, Virginia, where he remained until he moved to Richmond in 1804. He became editor that year of the *Examiner* in Richmond, and changed its name to the *Enquirer*, which he continued to edit for forty years, exercising an influence that was not surpassed by any other journalist in the Union. At the request of President Polk he resigned the *Enquirer* to his two sons in 1845, and moved to Washington to assume control of the *Union*, the organ of the administration, but he retired in 1849. Mr. Ritchie was a Democrat of the extreme state-rights faction, and believed that nothing so became an editor as to be at war with all his rival contemporaries. He was a well-known figure in social and diplomatic circles, in which he was welcome for his simple and generous though irascible nature and his Virginia peculiarities of speech and dress.—*Appleton's Cyclopaedia of American Biography*, V, 262.

[71] West Florida Papers, Library of Congress. This letter is found in the *Richmond Enquirer*, June 26, 1827. Even the letter of Jackson to McLean is included. There are a few changes in the punctuation and capitalization, and a change or two in the paragraphing.

of the story intended, doubtless by your worthy Biographers, to immortalize your name with boundless Fame, & mine with infamy, yet believing that the Book could be but little read, except by yourself & its Authors, I did not for a moment allow my tranquility to be disturbed— Nay, conscious of not having deserved censure at your hands, and persuaded that no other man than yourself, had ever imputed or would be disposed to impute to me, inaction, lukewarmness, or, much less, "traiterous designs" in times of public danger, I would continue to maintain my silence, had not your later "written denunciation" reached me, associating in my alledged traiterous attempts "to paralize your defence of the City", a Majority of the Senate over which, I had the honor to preside, if not, a considerable & most patriotic portion of the Citizens of New Orleans, with whom, I had the honor to serve in the common defence of the Country.

I can no longer hesitate, therefore Sir, after first exposing a faithful copy of your "written denunciation", to undertake a vindication of my conduct and character with the hope of satisfying every just and discerning man, no less than myself, that your triumphant sword acquired two edges at the battle of the 8th, of Jany the one so fortunately employed against the invading Foe and the other so disgracefully since, in continuing so unrelentingly to aim your slats at my reputation, & the reputations of a Majority of the Legislature who, in our efforts to sustain the rights and dignity of the State, did all in their power to aid you in defending it.

[Here follows a complete copy of Jackson's letter to Postmaster General John McLean, of March 22, 1824, which is printed in full above.]

In animadverting on the charges against me in the foregoing letter, I should be somewhat consoled, Sir, if you would do me the Justice to believe that I shall not, knowingly misrepresent, or aught state in Malice:— For if I did, with a strong sense of my own imperfections, I with a most earnest desire to improve my few days in cultivating good feelings towards all Mankind, my hairs, indeed, might be disposed to rise on my Head, yet they should not be disgraced by my own hands, in "cutting or burning them"; For they continue to be respected by my "most inward thoughts", which, unlike yours never did conceive, or commit wilful injustice to the character of any man:— Nor could I consent to resign my few remaining locks to you, or to your Aid, Majr. Butler,[72] to be treated

[72] See footnote 48, above.

with the barbarity, with which you have both treated my conduct at New Orleans:— But I here pledge myself to offer them, a willing sacrifice, with the Head that bears them, to an offended Country, should you with the further assistance of your Aid, prove to the satisfaction of a dispassionate & unprejudiced Public, that, any traiterous or malicious design, or motive, influenced my conduct, while presiding over the Senate, or as a Citizen, or volunteer soldier, while serving in the ranks of the City Guards, during the Invasion & attack by the British Forces.

In noticing your remarks, on entering into your charges against me, I deem it unnecessary to say whether, or not, "I had ever been in the confidence of the Government".— It is sufficient to my purpose to shew what your "inmost thoughts" cannot forget, that you did not intend to extend to me your confidence:— For at my first introduction to you at your Head Quarters, by one of your Aids, Mr. Ogden,[73] and at my own repeated and earnest solicitations, I do not recollect, or believe, that you addressed a word to me after returning my salute.— Yet in candour I must own, that my Head was not then threatened by you, as common report, & Govr. Claiborne assured me, his was some little time after.— But my suspicions then were, & your many subsequent acts have established since, that, you made your first entry into this State predisposed, & determined, to find a Majority of the Legislature, with a most respectable & patriotic portion of the Citizens, if not traitors, at best, of doubtful attachment to the *Union*, & defence of the State.[74]

Unhappily, Sir, for the Legislature & for the public Functionaries of Justice, who supported, with Zeal, all your measures, except of proscription & denunciation, they could not agree with

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[73] See footnote 42, above.

[74] The nature of Jackson made it almost impossible for a man of the disposition of Claiborne to get along with him. After it was heard unofficially that peace was made, Jackson refused to reduce his strength and lift his martial law. Judge Hall, the Legislature, Claiborne and others were involved in the quarrel. When Jackson arrived at New Orleans, the quarrel between the Governor and the Legislature was suppressed but not forgotten. Jackson and Claiborne cooperated until martial law was proclaimed on December 16, 1814. Claiborne was commander-in-chief of the militia and Jackson expected him to be completely subservient to him. When Jackson appointed some volunteer aides they were enemies of Claiborne, and when Claiborne sided with the Legislature against military rule this made conditions worse. From the time these aides were appointed on December 17, 1814, the coolness between the two men increased. On December 23, Claiborne hastened toward the front with three regiments of Louisiana militia; Jackson ordered him to take a position at Gentilly Road; Claiborne complied, but he thought it was a part of Jackson's plan to keep him from gaining any of the glory of victory. On December 22, Claiborne had written Jackson a letter urging unity of purpose and asking for a conference on that day, but as far as we know the note was never answered nor the conference held. Until January 17, 1815, Claiborne commanded at Gentilly Road, and then was sent to the west side of the Mississippi where he remained to keep order until the enemy had departed. When the great battle was fought on January 8, Claiborne was in the hospital, and Jackson said this was due to cowardice. At the end of January Jackson had twice as many soldiers as he did on the eighth, but he would not let any of them go.—Bassett, *Life of Jackson*, 208, 215, 219-221.

you that they themselves were Traitors;— and more unfortunate still, did it prove to both Govr. Claiborne & myself, that from both those Bodies we could not select one Traitor to gratify or allay your suspicions.— Govr. Claibornes letter to you,[75] when far away & a stranger to us all, written at a moment of great alarm, & great weakness, I will not deny, was calculated to inspire you with some suspicions:— But when at the first moment of your setting foot in the State, he arrayed himself under your standard with the entire and most *enthusiastic* mass of both the French & American Population, from old age to Childhood, with, or without arms marching from every corner of the City & the State to your support & you stood at the Head, Sir, of a formidable Army between the Enemy & your victims it ill becomes you to persist in looking for the Traitors in either the Legislative Chambers, upon the seats of Justice, or among the Citizens, & still less to pretend that you had found a Traitor in the person of a distinguished & most patriotic Member of the Legislature, who you had arraigned on trial for his life, before one of your Military Commissions, for having in a newspaper essay, after a beaten & disheartened Enemy had fled to their ships, censured your severe & unremitted treatment to French Citizens, & denied your right to continue the exercise of martial law over the Inhabitants of a City who were no where to be found, during the Invasion, but in presence of the Enemy under your orders, or under arms for its defense or in the Hospitals, as Mr. Louallier, ever was, when not on Legislative or Military duty, in administering to the wants & comforts of the sick & wounded Soldiers.

With whom, General, permit me now to ask, could you have found me "engaged in paralizing your defence?" With whom did I remain "charged with a design to deliver the City to the Enemy"? Will you yet say that it was with the Honorable Body over which I had the honor to preside by their unanimous thanks?— Or, was it the faithful Guards of the City in whose ranks, infirm & at the age of 52, I had the honor, each night of the Siege, to serve to their entire satisfaction?— But, "I would not prorogue the Legislature"! Are you, Sir, to be seriously answered, who have been a Legislator,

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[75] On August 24, 1814, Claiborne wrote Jackson a most cordial letter in which he pledged his utmost assistance; told about the different classes of people he had to manage in Louisiana; was gratified that there had not been any opposition to the requisition; told him that there were many loyal people in the state, but that there were some on whom he could not depend; and offered to lead the state militia into battle. He expressed great confidence in the ability of Jackson; spoke of the lack of unity among the people, divisions and jealousies; but expressed confidence that if a good force of regulars or of western militia would come to assist in the defense of the state, he could lead a valiant and faithful corps of militia of the state to the battle.—Bassett, *Correspondence of Jackson*, II, 29-30.

that the President, or "Speaker", cannot prorogue the Body over which he presides without its consent?— Which is the state of this Union, & where the freemen to be found, so lost to a sense of their own rights & character's, that would wish to see their immediate Representatives "prorogued", but at their own discretion, or by the will expressed of their Constituents; & not under the foul unfounded, suspicions of a Commanding Genl.; nor under your threats to Govr. Claiborne & myself to put our Government under Martial Law as in truth you did unless it would adjourn.

The next and last charge against me, and which I suspect, Sir, you indulgently intended, as my Coup-de-grace, for, if true, I am willing it should confirm the others, I am not yet able to look at with suitable gravity, though consigned to History by your worthy Biographiers.— It is a clumsy fabrication, conceived in a commotion of passions, & its meshes have been worked & put together, with the help of your Aid, & used, as Govr. Claiborne's letter was, to veil your premeditated injustice towards me & your violence towards others. Invoke again the further assistance of Majr. Butler, & I will still defy you to sustain this charge with better evidence of truth, than your own desire to find it true.— You will never be able to give to it form or likeness;— but as your young and confidential Major, you admit, furnished you with the palettes and the Colors, I will briefly relate the incident, in relation to myself, from which he borrowed them.

It was on one of the nights, about the time alluded to by Majr. Butler; that, returning on patrol duty from the grand round of this City, in passing and seeing lights in the House of Mrs. F—' an old & much respected acquaintance of mine, & a great admirer of yours, I called in to pay my respects and found with her another very interesting Lady Mrs. E—. who in the course of her conversation mentioned a report, as circulated in the City & I think she said by Kentuckians just from your lines of defence, that, if forced, you would destroy, rather than see the City fall into the hands of the Enemy. Some day or two after, at the request of the Military council of the City Guards, of which I was a Member, I waited on Majr. Butler concerning a Citizen under arrest, & not directly or indirectly charged with anything concerning that report, and being asked by him, "if there was any thing new in the City" I remember replying that such was the report "among women":— Conscious Genl of having through life treated the names & characters of married ladies with the most scrupulous caution & respect, I

cannot believe that I mentioned the names of the two Ladies between whom I had heard the report:— and never having at any time attached to myself, either belief or importance, I could not have made a subject of serious conversation to either the Senate, to the Military Council, or to any Member, individually, of them.— I am willing, therefore, to vest the truth of my assertions in repelling this most slanderous & bolstered charge of yours, & consequently its utter falsehood, as far as it criminates my conduct & views, on the testimony not only of the remaining Individuals who composed the Senate & the Military Council, but on the testimony of any two or three remaining Individuals in Society who were eye witnesses of my conduct at the Invasion of New Orleans, & whose oaths would be respected by a well composed Jury of their vicinity.

I may well then, Sir, pronounce this last charge of yours to be false, utterly false! as applying to me individually, or to the Senate over which I presided, or to the Military Council of which I was a Member, or that the most distant hint or wish was ever expressed in any of their deliberations or in private by any one of their Members, with my *Knowledge* or *within Hearing*, "to make terms with the Enemy."— And more false, if possible, is it still that the "Legislature" should with my *consent* or *connivance* depute a "Committee to wait on you on that subject" or on any other, during the Invasion, in which I had any agency that was not founded, in my humble estimation at least, on principles of patriotism, and honor. — I may, therefore, hope to find indulgence in every honest breast, for having expressed in some degree, the profound contempt which this charge so justly merits, & which it is impossible for me, with life, to cease to feel.

I will on the present occasion close, Sir, this most reluctant vindication of myself, by declaring with the utmost sincerity & truth, that my only object is to rescue my conduct and character from the weight of your foul denunciations "both written & verbal", & with no hope or desire to produce the slightest impression upon the Presidential question, in which you are so furiously engaged, & in which I have taken no interest since the Candidate of my choice, Mr. Crawford,[76] withdrew from the contest.— I am fully

[76] In the election of 1824 the votes were ninety-nine for Jackson, eighty-four for Adams, forty-one for Crawford, thirty-seven for Clay. When Clay threw his support to Adams and was appointed Secretary of State, Jackson started his campaign for the election of 1828. William Harris Crawford (February 24, 1772-September 15, 1834) for a long time had been a great favorite in his section of the country. He belonged to the common class of men; taught school and read law; made rapid progress in his profession; entered the Senate in 1807; declined to be Secretary of War, but went to France as minister in 1813; became Secretary of War in 1815; was Secretary of the Treasury from 1816 to 1825; and then declined to serve under Adams. He was mentioned for the presidency in 1816, having received

impressed with a sense of my duty to respect the choice of the people, or by the House of Representatives of Congress, of either the present Incumbent, or yourself, for the Presidential chair hereafter, should it become your extraordinary destiny to fill that high station, I shall, in common with my Fellow Citizens, still look for safety & protection under Constitutions which made by the People to serve them in the enjoyment of life, limb, & property to preserve & to each state of the Union her rights & dignity in resisting Military Tyranny or usurpation the principles of which the great, the good, the immortal Washington & his commanding Generals never thought of violating in a seven years doubtful & bloody conflict, against Foreign & domestic Foes.[77]

F Skipwith's letter to Genl. Jackson May 15, 1827.

Comment on Jackson's Biography[78]

Dr. General Jacksons Biographers in Acct. Curt. with the Legislature & State of Louisiana

Page 318

For a supposed disaffection in New Orleans and an Enemy in front, were circumstances well calculated to excite unpleasant forbodings. Genl. Jackson believed it necessary and essential to his security while contending with avowed Foes, not to be wholly inattentive to dangers lurking at home; but, by guarding vigilantly, to be able to suppress any treasonable purpose, the moment it should be developed, and before it should have time to mature. Previously, therefore, to departing from the City, on the Evening of the 23d., he had ordered Majr. Butler,[79] his aid to remain with the Guards, and be vigilant, that nothing transpired in his absence, calculated

fifty-four votes to sixty-five for Monroe in the caucus, even though he did not offer himself as a candidate; a stroke of paralysis in the fall of 1823 hurt his chances of success in 1824; but he received sixty-four of the sixty-eight votes in the caucus of that year. In 1827 he became a judge in Georgia, but he still hoped to be President. He held this position until a short time before his death. His exposure of Calhoun's conduct in the Cabinet partially led to the split between Jackson and Calhoun.—*Dictionary of American Biography*, IV, 527-530; William MacDonald, *Jacksonian Democracy*, 30.

[77] John Henry Eaton, in his *Life of Jackson* published in 1824, tells the same story of the conduct of Skipwith in New Orleans regarding the possible destruction of the city if Jackson should be defeated.—John Henry Eaton, *Life of Andrew Jackson*, 344-348.

[78] West Florida Papers, Library of Congress. Page references are to *The Life of Andrew Jackson, Major General in the Service of the United States: Comprising a History of the War in the South, from the Commencement of the Creek Campaign, to the Termination of Hostilities before New Orleans.* Commenced by John Reid, Brevet Major, United States Army. Completed by John Henry Eaton. Philadelphia: Published by M. Carey and Son. 1817.—(Editor, *Louisiana Historical Quarterly.*)

[79] See footnote 48, above.

to operate injuriously. His fears, that there were many of the Inhabitants, who felt no attachment to the Government, and would not scruple to surrender whenever prompted by their interest, it should become necessary, has been already noticed. In this belief, subsequent circumstances evinced there was no mistake, and showed that to his assiduity and energy is to be ascribed the cause the Country was protected and saved. It is a fact, which was disclosed in making an exchange of prisoners, that, in despite of all the efforts made to prevent it, the Enemy were daily and constantly apprized of every thing that transpired in our Camp. Every arrangement and every change of position, was immediately communicated. "Nothing remarked a British Officer, at the close of the Invasion, was kept a secret except your numbers; this altho' dilligently sought after, could never be procured."

Page 276

Never, perhaps, all the circumstances considered, did any General advance to the defence and protection of a People situated in his own Country, where greater room was had to distruct the success of the event, and believe all efforts hopeless. That there should be found, at all times, and in all places, an inconsiderable few, who would not withhold their assent to a change in the form of any Government, under which they might live, is not a circumstance to excite surprise. Some might be induced to it, if for no other reason, to alter a condition in life, which if not improved, could not be worsted; and in our Country particularly, where foreigners are so freely and readily admitted to all our rights and priviledges, many of whom being allured not by any attachment, but from motives of cupidity alone, shall we ever have to regret perhaps, a want of Union and energy, at those periods, when they shall be mostly needed. But that disaffection should be found in our national Councils, is an increased source of regret, and makes it to assume a character of deeper dangers. When, therefore, Genl. Jackson was informed by the Governor, that the Legislature instead of discharging, with alacrity, diligence, and good faith, the duties which had been confided to them by their Constituents, had under the garb of privilege, endeavored to mar the execution of measures the most salutary, he might well suppose the Country in danger, and suspect a want of fidelity in her Citizens. Although we would gladly draw a veil over the conduct of this Body, and forgive the error, yet it is difficult, nor is it necessary to forget

Page 277

that heretofore, at a moment of expected danger, they exerted themselves against any establishment of any system of defence. Genl. Flournoy[80] at that time commanded.

Apprehending Invasion, he applied to the Governor, for what aid the State could afford. His constitutional resources were attempted, and an effort made to draw out the Militia: they resisted the requisition; and that resistance, so far from being discountenanced by the Legislature, then in Session, was promoted and encouraged by their assuming to themselves the right of declaring the demand illegal, unnecessary, and oppressive. When popular resentment is once awakened, and opposition to measures, however, proper, once begun, the slightest encouragement impels it on; but when the highest authorities become abettors, and by their conduct and expressions, give it sanction, the delusion is increased, and soon swells beyond the bounds where reason can control. Thus supported, the Militia stood their ground, and resolutely resisted the call to defend their Country. This example had already induced the conviction that they were privileged persons and had reserved to them, on all occasions, when called for, the right of determining if the call were regular, where they would prefer to act, and be governed accordingly. When, therefore, the first requisition made by Jackson, was attempted to be filled, a number made a tender of their services, as volunteers; but on this condition that they were not to be marched from the State. The reply made showed they were to act with a General who knew nothing of temporizing policy, and who would go the entire length that safety and necessity required. They were assured that his object was to defend the Country, and that he should do it at all hazards; that soldiers who entered the ranks, should forget the habits of social life, and be willing and prepared to go wherever duty and danger called; such he wanted and none other would he have.

Page 278.

Influenced by these, and other weighty considerations, which were daily disclosed; and from a conviction which he felt was not

[80] Thomas Flournoy of North Carolina became brigadier-general on June 18, 1812. He had been in service in the southwest, and when James Wilkinson was recalled from the seventh military district in the spring of 1813 Flournoy took his place, but resigned on September 13, 1814. For a while a colonel was the highest officer at New Orleans. Flournoy was still a rather young man, as he did not die until July 24, 1857. His position was a difficult one to fill; he made a good officer, but he had trouble in West Florida and with the government of Florida also.—Heitman, *op. cit.*, 425; Cox, *op. cit.*, 626-627; Bassett, *Life of Jackson*, 127; Bassett, *Correspondence of Jackson*, I, 326, 333, 333n, 343, 344n, 358, 381, 405, 461, 467, 486; II, 11n, 14, 20, 39; VI, 423, 433, 434.

founded upon light considerations— that the Country without it, could not be saved; he brought to the view of the Legislature the propriety and necessity of suspending the writ of Habeas corpus. They proceeded slowly to the investigation, and were deliberating with great caution, upon their right and power to adopt such a measure; when the General, sensible that procrastination was dangerous, and might defeat the objects intended to be answered, suspended their Councils, by declaring the City and Environs under martial law.

Page 319

Between the 23d, and the attack on the 28th, to carry our line Majr. Butler, who still remained at his post in the City, was applied to by Fulwar Skipwith, at that time Speaker of the Senate, to ascertain the commanding General's views, provided he should be driven from his line of encampment, and compelled to retreat through the City; would he in that event destroy it? It was indeed a curious inquiry, from one who having spent his life in serving his Country in different capacities, might better have understood the duties of a subordinate officer; and that even if, from his situation, Majr. Butler had so far acquired the confidence of his General, as to have become acquainted with his views and designs; he was not at liberty to divulge them, without acting criminally. On asking the cause of the inquiry, Mr. Skipwith replied, it was rumored, and so understood, that if driven from his position, and made to retreat up the Coast, Genl. Jackson had it in contemplation to lay the City waste; the Legislature desired information on this subject; that if such were his intentions, they might by offering terms to the Enemy, avert so great a calamity. That such a sentiment should be entertained by this Body, was scarcely credible; yet a few days brought the certainty of it more fully to view, and shewed that they were already devising plans to ensure their safety even at any sacrifice. While the General was hastening along the line, from ordering Coffee, as we have just observed, against a column of British on the left, he was hailed by Mr. Duncan,[81] one of his volunteer Aids, and informed, that already it was agitated, secretly by the members of the Legislature, to offer terms of capitulation to the Enemy, and proffer a surrender. Poised as was the result, the safety or fall of the City resting in uncertainty, although it was plainly to be perceived, that ,with a strong army before them, no such resolution could be carried into effect, yet it

[81] See footnote 47, above.

might be productive of evil, and, in the end, bring about the most fatal consequences. Even the disclosure of such a wish might create parties, excite opposition in the Army, and inspire the Enemy with renewed confidence. The Tennessee volunteers, and Mississippi Militia, it was not feared would be affected by the measure; but it might detach the Louisiana Militia, and even extend itself to the ranks of the regular troops. Jackson was greatly incensed, that those whose safety he had so much at heart, should be seeking to mar his best exertions. He was, however, too warmly pressed, at the moment, to give it the attention its importance meritted; but, availing himself of the first respite from the violence of the attack waged against him, he apprised Govr. Claiborne of what he had heard;— ordered him closely to watch the conduct of the Legislature, and the moment the project of offering a capitulation to the Enemy should be fully disclosed, to arrest the Members and hold them subject to his further orders. The Governor, in his zeal to execute the command, and from a fear of the consequences involved in such conduct, construed as imperative, an order which was merely contingent; and placing an armed force at the door of the Capitol, prevented the members from convening, and their schemes from maturing.

Page 374

The Legislature of Louisiana had recommended their Session. The necessity which had produced a suspension of their deliberations, being removed, by the departure of the Enemy, they were no longer restricted in the exercise of those constitutional privileges. Some of the Members, during the past struggle, had forsaken their official duties, and repaired to the field, where most important services were to be rendered, and where they had manifested a zeal and devotion to their Country worthy or imitation. A much greater part, however, had pursued a very opposite course, and stood aloof from the impending danger. The disposition they had shewn, on the 28th. of Decr., to propose a capitulation to the Enemy, has been adverted to: how far it was calculated to estrange the public sentiment from that conviction, which Genl. Jackson, throughout, had endeavored to rivet and impress, "that the Country could and would be defended successfully" can be easily imagined. But with them he had sinned beyond forgiveness. The course he had adopted,— his arresting those proceedings, and suspending their deliberations, by placing an armed force at the door of the Capitol, were viewed as infringements upon Legislative pre-

rogative,— denounced as an abuse of power, and the first opportunity seized, to exhibit their resentment against the man who had stood forth in opposition to, and defeated their designs. Whether it were better to indulge them in a heedless course, that led to an-

Page 375

other object than individual advancement, or, by interposing a remedy, arrest the foul purpose intended, preserve the Nation from dishonor, and avert the dangerous consequences involved, was not a matter requiring much deliberation; nor was it an act to justify the Legislature in treating with marked disrespect, him who was the efficient cause of all that had been achieved.

No sooner had they resumed the exercise of their duties, than their first course was to pass in review, the incidents of the last month. To those who had acted vigilantly in the defence of the State, and who by their toils and exertions had contributed to its safety, they tendered their thanks. In pursuance of this resolution, the Governor addressed the principal officers; but of Jackson, nothing was said.[82] We are not disposed to recriminate on this Body, though the circumstances present no very favorable appearance. When danger threatened they were disposed to make terms with the Enemy, and obtain their safety by a surrender of the City: from this they were prevented, by a decision of character, that compelled legislative to yield to military authority. Greatly incensed at being thus unexpectedly restrained in the execution of their designs; no sooner did they resume the duties of their station, than they are lavish in the praise of those who adopted and pursued a course directly contrary to their own, while in that com-

[82] Claiborne and Jackson were both apprehensive of the Legislature, and while it was in session they feared it might take steps to come to some terms with the British, for there were plenty of spies in the city. At the time, many hoped to see Louisiana returned to Spain and saw a chance of that by the British winning. When Claiborne asked the Legislature to adjourn for two or three weeks it refused, giving many reasons why it should not adjourn. Jackson then, on December 17, 1814, declared martial law for the city and suburbs. When 199 slaves took refuge on board the British ships, complaint was made to Jackson who asked that they be returned to their owners. When this was not done Claiborne wrote Jackson to be informed of what had been done and stated that he would appoint three men to make application to the British commander for their return. Jackson had his adjutant-general write a stiff reply to Claiborne, which he laid before the Legislature; and it appointed four men to investigate and to make personal application to Lambert, the British commander. Jackson had already appointed Henly to do the work, and he now rushed off Livingston and White to assist; and we hear nothing more of the civil authorities. Jackson wrote Claiborne: "Be assured if either the assembly or yourself attempt to interfere with subjects not belonging to you, it will be immediately arrested. I am pledged for the protection of this District, having the responsibility I trust I know my duty and will perform it." The Legislature was about to complete an investigation of its suspension, and Jackson demanded a copy of the report before it was released, and threatened twice to hold an investigation of his own if it was not made at once. The report exhonorated Jackson and threw the blame on others. On February 2, 1815, the Legislature voted thanks to every prominent contributor to the recent success except the chief one. When Carroll, Adair, Coffee, Thomas, and others received the thanks of the Legislature the expression was too pointed to be misunderstood. The Legislature adjourned early in February, and Jackson continued to rule the city.—Bassett, *Life of Jackson*, 174, 222-223; Bassett, *Correspondence of Jackson*, II, 156-157, Letter of February 3, 1815.

mendation, they intentionally neglect the Hero to whom their section of the Country owed its salvation. But to Jackson, this was an immaterial circumstance: he had a mind incapable of being inflated by applause, or depressed by unmerited censure" &c.

Dr. side continued

Pages 274, 275

For Genl. Jacksons arrangements which were well conceived, & rapidly progressing; but they were still insufficient, & his own forebodings assured him, that, to obtain security something stronger than had yet been resorted to, required to be adopted. That there was an Enemy in the midst of his Camp, more to be feared than those who were menacing from abroad, was indeed highly probable; while an apprehension indulged, that there were many foreigners who, feeling no attachment for the Country, and having nothing to defend, would not scruple to avail themselves of every opportunity, to give intelligence of the strength, situation, and arrangement of his camp, excited his fears, and induced a wish to apply the earliest possible corrective. A stranger himself, his own conjectures might not have led to the conclusion; but information received, before and soon after his arrival, through different channels, had awakened a belief, that the Country was filled with traitors & spies, who, if not closely guarded, might occasion the worst of consequences. Altho' he had been in possession of data, sufficiently strong to confirm him in the opinion, that the facts were truly as had been represented, until now, no urgent necessity had arisen, rendering a resort to rigid measures essential to the general safety. Abundant evidence of prevailing disaffection had already been obtained through Govr. Claiborne. In a letter to Lt. Genl Jackson after his return from Pensacola, he observes, "Enemies to the Country may blame your prompt and energetic measures; but in the person of every Patriot, you will find a supporter. I am well aware of the lax police of this City, and indeed of the whole State, with respect to strangers. I think with you that the Country is filled with traitors and spies. On this subject, I have written pressingly to the City Authorities and Parish Judges. Some regulations, I hope, will be adopted by the first, and greater vigilance be exercised, in future, by the latter".

Page 295

For the circumstance of there being so many there (New Orleans) who had never been taught to entertain any well founded regard for the Country in which they lived. . .

Page 242

For Louisiana he well knew contained a mixed population, of different tongues who perhaps felt not a sufficient attachment for the soil or Government, to be induced to defend them to the last extremity. . .

Page 250

For balancing in their decisions (the Legislature) and uncertain of the lost cause to be pursued, to assure protection, they had as yet resolved upon nothing promising certainty and safety or calculated to infuse tranquility & confidence in the public mind.

Page 255

For that treachers opened the way & pointed the entrance of the Enemy to a narrow pass, through which they effected a landing and reached previously to being discovered, the Mississippi.

Page 208

For "that on the Citizens of Louisiana &c., he believed he might securely rely, & that their ardour would readily excite them, to contend with an Enemy at their very doors" . . .

Same page 242 same paragraph

For the severity of Genl. Jacksons Force "manifesting such tranquility, and apparent certainty of success, under circumstances so unpropitious, as immediately to excite strong hopes, to expell every thing like fear, and to impress all with additional confidence." . . .

Same page 250 same paragraph

For being so soon inspired by Genl. Jacksons "activity and zeal in preparation, and his reputation, as a brave man and skillful commander, as to feel all confidence, and lose all despondency in looking at him, and inspiring even the desponding with a confidence they had not before felt."

Page 254

For "that the Legislature had met Genl. Jacksons views with becoming zeal; & the necessary measures had been taken, to have the selected points completed for the shortest possible defence &c."

Page 306

For "the story of their sufferings (Jacksons Army on the lines of defence) and misfortunes was no sooner known, than the Legis-

lature appropriated a sum of money for their relief, which was greatly increased, by subscriptions in the City and Neighbourhood".

Page 273

For calling the Militia of the State en masse; and through the interference of the Legislature, laying an Embargo to afford an opportunity of procuring additional recruits to the Navy.[83]

Statistics on Jackson's Battles[84]

Genl. Jacksons fortunate & bloodless victories Jacksons Forces, Battle of Tulledega Indian Forces 1080, page 57 1200 Infantry 800 Cavalry, page 53
15 Killed 80 wounded

Battle of Emuckfau

5 do. 20 do 1st. Battle In the first Battle I-n appear not to have been present 2do. no loss stated

Battle of Enotochapco

20 do. 75 do
55 do. 146 do. Battle of Tohepeka (obstinate bravery on both sides) none killed 15 to 20 Attack on Peneacola
24 115 do. Battle of the 23d. Decr.
11 23 do Attack on Jacksons line 1st, of Jany

13 Killed & wounded Battle of the 8th. of Jany

130 407

Jacksons 7 Battles & 2 Attacks does not average 15 killed & 45 wounded each.
P. 273 The Militia of the State was called out en masse; and through the interference of the Legislature, an Embargo declared, to afford an opportunity of procuring additional recruits to the Navy.[85]

[83] Internal evidence would seem to indicate that this compilation of materials from the biography of Jackson listed in footnote 78, above, was made by Skipwith. There is a difference in a few cases in spelling, capitalization, and punctuation from the original; and at least one of the citations appears to be an incorrect page number.—(Editor, *Louisiana Historical Quarterly.*)

[84] West Florida Papers, Library of Congress.

[85] This item seems properly to belong as a part of the preceding one, as internal evidence seems to indicate that it is the work of Skipwith; and the references to pages are to the same work as those of the preceding entry, as listed in footnote 78, above.—(Editor, *Louisiana Historical Quarterly.*)

SIR WALTER SCOTT IN NEW ORLEANS, 1818-1832*

By HAROLD F. BOGNER

TABLE OF CONTENTS

INTRODUCTION

CHAPTER I. THE NEW ORLEANS THEATRE PRIOR TO 1818.

1. The first French Theatre in New Orleans.
2. The Théâtre St. Pierre.
3. The St. Philip Street Theatre.
4. The first Théâtre d'Orleans.

CHAPTER II. THE CULTURAL STATUS OF NEW ORLEANS, 1818-1832.

A. *The American Theatre, 1818.*

1. The first American players.
2. The "American Theatrical Commonwealth."
3. Variety and success of the first season.
4. Love of melodramatic entertainment.
5. The Gothic Play.

B. *The Season—1819. The Introduction of the "Mélodrame" to New Orleans.*

1. The "Mélodrame" as a predecessor of Scott vogue.
2. Phillips introduces drama with musical accompaniment.
3. The brief season 1819.
4. The American Theatre establishes itself.

C. *The Season—1820. The First Walter Scott Performances.*

1. The arrival of Caldwell.
2. The coalition of Caldwell and Phillips.
3. The variety of Melodramas, with and without music.
4. The first performances—*Guy Mannering; The Lady of the Lake.*
5. Public reaction.
6. A possible "first American performance" of *The Bride of Lammermoor.*

* Master's Thesis in English, Tulane University, 1937.

D. *Other Amusements Offered in New Orleans, 1818-1832.*
   1. Variety of amusements.
   2. Circuses.
   3. Concerts.

E. *Types of Literature Popular, 1818-1832.*
   1. Poetry and novels.
   2. The popularity of Scott's poetry and novels.

CHAPTER III. THE POPULARITY OF THE WALTER SCOTT DRAMATIZATIONS, 1820-1832.

A. *Guy Mannering.*
B. *The Highland Widow.*
C. *The Lady of the Lake.*
D. *Marmion.*
E. *Rob Roy.*
F. *The Talisman*—Performance of an original Ms. version.
G. *Peveril of the Peak* and *Masaniello.*
H. *La Dame Blanche—The White Lady.*
I. Performances of French versions of other Scott novels: *Le Château de Kenilworth; La Dame du Lac, La Feancée de Lammermoor.*

CHAPTER IV. ACTORS AND ACTRESSES APPEARING IN SCOTT DRAMATIZATIONS IN NEW ORLEANS, 1818-1832.

1. Mrs. Drake.
2. Mme. Féron.
3. Mrs. Knight.
4. Miss Placide.
5. Mr. Caldwell.
6. Mr. Finn.
7. Mr. Holland.
8. Mr. Scott.
9. Mr. and Mrs. Cramer Plumer.
10. Mr. and Mrs. Pearman.
11. The "Star System" and Walter Scott Dramatizations.

CONCLUSION

APPENDIX A: Chronological list of Plays for Seasons 1820 and 1826.

APPENDIX B: Chronological Check List of Scott Dramatizations performed 1833-1850.

BIBLIOGRAPHY

INTRODUCTION

In recent years the growing interest in American literature and in the influences that entered into its formative periods has given rise to numerous critical and biographical investigations in certain small, localized fields.

Such research has lead to the unearthing of much hitherto unrecorded data concerning the cultural life of the South in the nineteenth century. In this field special attention has recently been paid to the vogue of the Walter Scott novels, and to their influence on the social, literary, and economic characteristics of the South. One phase of the Scott popularity, however, has been overlooked—the definite existence of a vogue for dramatized versions of the Waverly Novels.

This neglect may arise from the fact that previous studies have been devoted to a consideration of regions of the South in which an organized theatre did not exist. Whatever the cause, this omission, coupled with the neglect, perhaps inadvertant, of New Orleans as a cultural centre of the South concerned with such a literary vogue, provokes inquiry.

By a recording and brief analysis of facts taken mainly from newspapers of the period, this paper endeavors to show:

1. The rapid rise of American theatrical tastes in New Orleans.

2. The rapidity with which the Walter Scott dramatizations became part of the American or Anglo-American scheme of cultural life in this city.

3. The popularity of each play performed in New Orleans during the brief span from 1818 to 1832.

Other items, relevant to the theatre and the city, have of necessity been included, since they afford excellent background, and make more real a picture of those times.

In considering the individual Scott presentations there is no attempt at analysis of plot or dramatic excellence. However, attention is paid to the merit of the actors performing and the excellence of production wherever contemporary accounts furnish information concerning these two factors.

CHAPTER I

THE THEATRE IN NEW ORLEANS PRIOR TO 1818

At the beginning of the nineteenth century the swift national growth of America had swept population westward and southward from the upper Atlantic seaboard into the plantation lands of Virginia and the Carolinas. Thence, some of the settlers sought the fertile bottom lands of Alabama, Mississippi, and Louisiana, and the plains west of the Mississippi Valley. Into their new homes they brought some of the aesthetic tastes of their former habitations.

But not many. As groups they were too thoroughly engrossed in the utilitarian needs of the time, and the drama was of little significance in their concept of civilization. Of the communities of the upper Mississippi valley, Hornblow says:

> Although the constantly growing interest in theatricals had by this time resulted in the building of fine play-houses along the Atlantic seaboard, the Nineteenth Century was already well advanced before the sock and buskin was seen west of the Alleghenies. In 1800 the great valley east of the Rockies was still a vast wilderness, the primeval silence of its mighty rivers and virgin forests broken by the howling of wolves and the yell of the marauding redskin.[1]

However, even by the opening of the nineteenth century, there existed communities where the predatory wolf and the "marauding redskin" did not hold sway; here and there had appeared, grown, and prospered small centers of culture, where life was settled and stable, surrounded by traditional influences that had been transplanted from European origins. Here the individuality of the community had emerged; social and cultural consciousness had been fostered and developed. Unique among such communities[2] was New Orleans.

By 1800 it seemed destined, by reason of its unique geographical location, to become a trade metropolis; while at this time the jeans-clad bargemen were daily docking an ever increasing influx of "aliens" from the hinterland, New Orleans still clung tenaciously to its French and Spanish traditions; not the least of these theatrical. In this New Orleans was distinct from the other

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[1] A. Hornblow, *A History of the Theatre in America* (Philadelphia, 1919), I, 328.

[2] Include Richmond, Virginia; Williamsburg, Virginia; Charleston, S. C.; New Orleans, La.

cities that with her were later to form what is popularly called the "Western Circuit."[3]

The first record of an organized company of actors in New Orleans is in 1791, when a group of French comedians, refugees from San Domingo, arrived.[4] They established themselves in an old house on the Rue St. Pierre (St. Peter Street) between Bourbon and Royal;[5] they played comedies, "vaudevilles," and comic operas. The population of the city at that time was predominantly French; these first artists naturally catered to the Gallic tastes of the audiences. The succeeding years (until 1808) saw performances of such plays as *Richard Coeur de Lion, Eugénie, Beaumarchais, Deux Chasseurs et la Latière, La Belle Arsène, La Forêt Noire,* and "une infinité d'autres comedies, drames, opéras, dont la liste est trop nombreuse pour être inserée dans cet ouvrage."[6]

Exactly what number of the populace attended the theatre cannot be determined, but we may draw some surmise from the statement that by 1806, Mr. Louis Tabary, the manager, in order to accommodate the audience, which "day by day grew more numerous," saw fit to add a parquet with thirty seats.[7]

This theatre continued until the end of 1807, when it was closed after a law-suit following a brawl which involved the theatre's people and the city police. Its place was taken by the Théâtre St. Pierre, organized by an independent syndicate, and opened on September 14, 1808. For two years the theatrical life of the city centered around this establishment; it was sold at auction on December 28, 1810.[8]

Toward the end of 1807 a company constructed on St. Philip Street, between Bourbon and Royal, a theatre which cost in the neighborhood of $100,000; placed under the management of Mr. Louis Tabary, it opened on January 30, 1808, with a comedy, *Les Fausses Consultations,* and a two act opera by Bouilly and Méhul, *Une Folie.*[9]

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[3] St. Louis, Cincinnati, Chicago, and New Orleans subsequently formed important links in the "western circuit." Commenting on the first three communities, Hornblow, in *op. cit.*, I, 328, states: "Cincinnati, with a population of about 1000, was the only Western town of any size. St. Louis was a little more than a hamlet. A group of frame cabins clustered within the stockade shelter of Fort Dearborn, occupied the site of the future city of Chicago." *Louisiana Gazette,* Sept. 16, 1806, records the following population for New Orleans: white inhabitants, 7,069; colored inhabitants, 11,989.

[4] O. G. T. Sonneck, *Early Opera in America* (New York, 1914), 181; J. G. de Baroncelli, *Le Théâtre-Français à la Nouvelle Orleans* (New Orleans, 1906), 7.

[5] Baroncelli specifies the location as 716 St. Peter Street.

[6] Baroncelli, *op. cit.*, 8.

[7] *Ibid.*, 8.

[8] The building was sold at the insistence of the proprietors. The cause for this action could not be discovered.

[9] Baroncelli, *op. cit.*, 14.

The career of the St. Philip Street Theatre was varied; there were managerial changes; then came a strange decision by which the artists alternated performances, giving some at the St. Philip and others at the St. Pierre. Audiences at the St. Philip seem to have been loyal—its popularity persisted among the elite of New Orleans. "Ce théâtre était fréquénte par l'élite de la population, qui ne manquait jamais d'assister aux représentations de gala."[10]

Even until 1815 the St. Philip Theatre continued to attract the "meilleur monde" of the metropolis, despite the opening of a new show house, the Orleans Theatre, on November 30, 1809.

The manager, John Davis, whose English name is misleading, was a Frenchman both "in language and in manners."[11] From Paris he imported actors and singers, and in a few years had built up an enthusiastic and respectable clientele. The fortunes of Davis and the Orleans fluctuated until 1813, when it was destroyed by fire. "Ce théâtre, après avoir eu des hauts et des bas, sans pourtant arriver à enrichir ni à appauvrir ses actionnaires, fut complètement détruit par un incendie en 1813."[12]

The purpose of the preceding paragraphs is primarily to contradict the belief that, on their arrival in 1817, the American artists experienced a mere repetition of their pioneering enterprises in other cities; in St. Louis,[13] Pittsburgh,[14] Cincinnati,[15] and Nashville,[16] they had performed at times in barn-like structures, dedicated, it is true, to theatrical pursuits but built in a speculative frontier mode; at other times they had performed for a few nights in "temporary theatres"[17] ballrooms or meeting halls hastily converted for the occasion.

In New Orleans they were to meet not only cultured audiences, but were to locate in a theatre of considerable size and elaborateness.[18]

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[10] *Ibid.*, 15.

[11] O. S. Coad and E. Mims, Jr., *The American Stage* (Yale University Press, 1929), 134.

[12] Baroncelli, *op. cit.*, 27. The Orleans Theatre was rebuilt in 1818 on a most elaborate scale.

[13] Coad and Mims, *op. cit.*, 127.

[14] Hornblow, *op. cit.*, I, 333.

[15] Coad and Mims, *op. cit.*, 126; Hornblow, *op. cit.*, I, 338.

[16] Hornblow, *op. cit.*, I, 338. N. M. Ludlow, *Dramatic Life As I Found It* (St. Louis, 1880), 137, gives an elaborate description of the first theatrical performances in the "old salt house" in Nashville.

[17] Coad and Mims, *op. cit.*, 127.

[18] The St. Philip Street Theatre consisted of a large parquet and two rows of loges, seating in all about seven hundred persons.—*Ibid.*, 130.

CHAPTER II

THE STATUS OF CULTURE IN NEW ORLEANS IN 1818-1832

A. The American Theatre, 1818

For the purpose of carrying drama to the more remote and benighted regions of Tennessee, in the spring of 1817 several members of the company of Alexander Drake[19] proposed to form a "commonwealth of players;" the prime leaders in this movement were Aaron J. Phillips and Henry Vaughan. Playing low comedy roles and acting in minor managerial capacity was a young New Yorker, Noah M. Ludlow, who refused at first to join the enterprise. However, becoming enamored of a young widow in Nashville, he hurried to join Phillips and Vaughan, and with them performed for a brief three week season in a primitive theatre in Nashville.

During the course of this first season in Nashville, young Ludlow was informed that despite the long tradition of theatrical activity, New Orleans, a thriving metropolis of over 20,000 souls,[20] had never known either English drama or a company speaking the English tongue; the American population was said to be large. He was interested in this prospect, and proposed that the "commonwealth of players" journey there. There were several deterring factors; of prime importance were the dread of the yellow fever epidemics and the supposed violence of the French hostility to American "intruders." Hornblow's account of these difficulties deserves notice:

> New Orleans in those days had not a very savory reputation. Yellow fever was rampant, [21] and there was bitter feeling among the French and Spaniards toward anyone speaking the English language, owing to the hostility of the natives towards the Louisiana Purchase. It was no uncommon occurence for Americans to be robbed or even assassinated in the streets of the city.[22]

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[19] Ludlow, *op. cit.*, 112.

[20] The United States Census and Gardners's *New Orleans Directory* (1861) both give a population of 27,176 in 1820.

[21] The city authorities made no attempt to conceal the presence of this dread plague. Even as late as 1821 local papers, beginning in May, carried proclamations of the Board of Health, mainly regarding sanitary precautions to be taken for preventing the spread of yellow fever. Thus we find them for the first three weeks of May, 1821, in *Louisiana Courier*.

[22] Hornblow, *op. cit.*, I, 339.

How unjust the charges of hostility and violence were, the subsequent history of the Ludlow engagement proves. Mr. Phillips refused to go, but John Vaughan and Thomas Morgan joined Ludlow. Travelling down the Cumberland and Ohio to Natchez, Mississippi, and thence by steamer, the company arrived in New Orleans, in November, 1817.

The group had arrived at an opportune time; the Orleans Theatre had not been rebuilt and consequently there was a lull in the French theatrical season. That the French population were eager to see plays, whatever the nationality of the authors or the language of the actors, was evidenced by the financial success of the enterprise. Certainly in respect to attendance the French inhabitants evinced no hostility.[23]

Preliminary business arrangements were soon amicably completed with Madame Coquet, then in charge of the St. Philip Street Theatre, and on January 13, 1818, New Orleans saw its first English performance.

For several days previous, local papers carried announcements in the English section under the imposing heading: "American Theatrical Commonwealth." The following appeared on January 10, 1818.[24]

AMERICAN THEATRICAL COMMONWEALTH

(by permission of the Mayor)

The American Theatrical Commonwealth Company having recently arrived in this place, take this opportunity to inform the patrons of the Drama that they have entered into an agreement with the proprietor of the St. Philip Street Theatre for the purpose of performing regular Dramatic pieces and assure them that every exertion will be made to select such pieces as shall tend to render the amusement at the same time pleasing, moral and instructive. The Theatre will therefore open on Tuesday Evening, January 13th, 1818. With a celebrated Comedy in five acts, written by John Tobin, esq. called

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[23] An idea of the size of the audiences may be gathered from Ludlow's statement that at the end of the season they had cleared over three thousand dollars to be divided in thirds.—*Op. cit.*, 152. Baroncelli agrees with this figure, setting it at one thousand for each of the three enterprisers: "La saison 1818, fut des plus productives pour Mr. Ludlow et ses associés, MM. John Vaughan et Morgan. Chacun d'eux toucha respectivement une somme de 1000 dollars tout frais payé."—*Op. cit.*, 20.

[24] Announcement and cast from *L'Ami des Lois*, Jan. 10, 1818 (Eng. sect.). All newspaper references hereafter cited are to the "English section" unless otherwise specified. The cast here given differs in several instances from that recorded by Ludlow, *op. cit.*, 138.

The Honeymoon

Duke Aranza	Mr. Vaughan
Rolando	Ludlow
Count Montalban	Hanna
Balthazer	Lucas
Lampede	Cummins
Campillo	H. Vaughan
Lopez	Bainbridge
Servant	Baldwin
Jaques (the mock duke)	Morgan
Juliana	Mrs. Cummins
Volante	Morgan
Eugenio (alias Zamora)	Ludlow

The evenings amusement to conclude with an admired farce in three acts, translated from the French of Ruse contre Ruse, by Mrs. Inchbald.

From that memorable date until April 29 of the same year, the American Theatrical Commonwealth strode the boards of the St. Philip, offering a variety of dramatic pieces that was notable. The performances consisted invariably of the time honored combination of one tragic, historical, or melodramatic play in conjunction with a farce, usually played as an afterpiece.

A partial list, picked at random and without any attempt at chronological sequence, will demonstrate the diversity of entertainment the Ludlow group offered: Tobin's *Curfew*, Morton's *Speed the Plow*, Kotzebue's *The Stranger*, Coleman's *The Mountaineers*, Coleman's *John Bull*, Otway's *Venice Preserved*, Reynold's *Laugh When You Can*, Lewis's *Castle Spectre*.[25]

The Shakespearean repertoire consisted of *Richard III*, *Romeo and Juliet*, *The Merchant of Venice*, and a somewhat garbled version of *The Taming of the Shrew* under the title, *Catherine and Petruchio*.

In view of the major discussion which is to follow concerning the vogue of the Walter Scott melodramas it might be well to note that several unusual plays, melodramatic in form and carrying the mark of Gothic romance, were performed during the season:

Douglas, the Noble Shepherd, February 4; *The Siege of Montgaltz*, March 19; *Ella Rosenberg*, April 8; *The Blind Boy*, or *The Rightful Heir of Sarmatia*, April 11 and 17; *The Doubtful Son*, April 21.[26]

[25] Titles taken from announcements appearing in *Louisiana Gazette*, Jan. 15, to April 29, 1818.

[26] Titles from announcements appearing in *Louisiana Gazette* on given dates. The spelling of titles is given as printed in the newspapers.

Add to a consideration of this summary the time-honored plays mentioned in the preceding paragraphs, all pieces exemplifying the current melodramatic tradition, and the subsequent seasons, replete with series after series of melodramatic plays and oddities, will cause no amazement; their popularity becomes inevitable.

It is impossible to form a critical opinion of the quality of these first performances, owing to the absence of any type of journalistic opinion in the papers of the day. These journals faithfully record the dates of performances, arrival and departure of players, and other facts concerning the delay or postponement of projected plays, but little more.

The fact that the American company was hospitably received and that a demand for a "national" theatre existed was, however, adequately voiced by a contemporary editor:

> It is with regret every friend to New Orleans will hear of the departure on next Thursday of the American players. Their private deportment, while among us, has been so universally correct that not even the tongue of slander has dared to assail it. Their merit, too, as performers, though criticized rather severely by the fastidious few, has always been reputable, and indeed much greater than the support given could reasonably have looked for. The propriety of encouraging a national theatre in this city, is believed to be incontrovertible. The strangers who annually repair hither in such numbers, are often at a loss how to spend an evening rationally.[27]

These "strangers" were beginning to form an integral part of the city's population, and were destined to affect the literary, amusement, and theatrical trends of New Orleans to a degree never even imagined by the involuntarily prophetic editor.

But the dream of a national theatre was not so soon to be realized; Americanism and the first, faint desires for the creation of a native literature and a native theatre were to lie dormant for a quarter of a century or more, despite the impetus to nationalism which had followed the second war for independence. The reading and theatre-going public of New Orleans was to experience a portion of the romantic upheaval that swept through the South and converted the demand for nationalism temporarily into a quest for the romance and glamor of the pomp and chivalry of by-gone-days.

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[27] *Louisiana Gazette*, April 25, 1818.

B. The Season 1819-1820: The Introduction of the "Mélodrame" to New Orleans

The Walter "Scott disease," which "sets the world in love with dreams and phantoms; . . . with the silliness and emptinesses, sham grandeurs, sham gauds, and sham chivalries of a brainless and worthless long-vanished society,"[28] infested the city of New Orleans more than ten years prior to its invasion of the more easterly cities of the South.[29]

By 1830 the Waverly Novels, both in English and American editions, were in the homes and private libraries of the Southern cities of the more eastern regions; at approximately the same time they were being read in New Orleans, perhaps not as widely. However, Walter Scott was definitely in fashion, introduced through another literary channel, that of the theatre. It is interesting to study briefly the rapid rise of the popularity of the melodramatic plays during the season 1819-1820, since to this popularity we may ascribe the early predominance of Walter Scott dramatizations in the New Orleans theatre.

All the melodramatic elements which formed the basis of the popularity of Scott—highly intensified scenes of romantic struggle, spectacular though unreal moments, the pomp and circumstance of pageantry, the admixture of Gothic horror and the comic buffoonery—these formed the major portion of New Orleans' theatrical diet during the year preceding the commencement of the Scott vogue. This affection for the Scott dramatizations was not a sudden flash of recognition, a fad, arising out of a newly acquired taste, but a gradual and natural transition. The audiences, like those of the Eastern metropolitan centers, had been schooled in a melodramatic tradition; their schooling had, of course, been brief, because of peculiar circumstances which merit discussion.

As early as 1798, the demand for the melodramatic play of Gothic horror had been manifest in New York. Odell has given a colorful account of this outbreak:

> The romantic revival swept through the new theatre (the Park Street Theatre) as it had begun to sweep through Covent Garden and Drury Lane . . . . Dark browed villians, smitten with remorse or still stung with the lust of power, held sway

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[28] Mark Twain, *Life on the Mississippi* (New York, 1904). 347.

[29] Grace Warren Landrum, in her article, "Sir Walter Scott and His Literary Rivals in the Old South;" *American Literature*, II (1930). 256 ff. indicates the romantic ferment as becoming vigorous in the early 30's in Richmond, Virginia, and in Charleston, S. C.

> in ruinous castles with vast subterranean vaults,—where prisoners—usually lawful owners of the gloomy piles—pined away, or where unearthly visitants floated in to the strains of heavenly music. The heroine forever wandered about, seeking a clue to the mystery and an exit from the horrible abode; the hero was always prowling around, mysteriously entering, or mysteriously escaping; . . . . In the end, perhaps the wicked pile would be blown up by an explosion, or thrown in ruin by a lightning flash from an outraged and avenging heaven . . . . Singing chambermaids and valets, choruses of brigands or villagers, lovers with sentimental serenades, were elements in the formula.[30]

This popular technique was part of the inventions of Colman, Holcroft, Kotzebue, Otway, Lewis and the whole school of Gothic dramatists; the season 1818 had given New Orleans its melodramatic shivers of that nature, the populace had reacted favorably, and the tradition was established. The season 1819-1820 was to plunge New Orleans deeper into the maze of impending doom, intrigue, mystery, horror and suspense, created by these and other skillful stage-tricksters.

Had theatrical enterprises cast a yearning eye southward earlier in the century, had previous managers braved the mythical perils of the deep South sooner, New Orleans would undoubtedly have been in the throes of the "Walter Scott disease" contemporaneously with New York. The rapidity with which the Scott dramatization began to appear in New Orleans, following immediately upon two brief seasons of melodramatic "apprenticeship," leads us to believe that had an American theatre existed in the city in 1812, *Marmion* and the *Lady of the Lake*, might have been produced there that year.

Ludlow, after closing in New Orleans in 1818, journeyed to Natchez, where he was taken ill; as a consequence his company disbanded and was dispersed. Aaron J. Phillips, his fears of the uncivilized South dispelled by the success of the Ludlow venture, gathered together a company and arriving in New Orleans in March, 1819, opened at the St. Philip Street Theatre on March 13, 1819, with "a play by the Rev. R. C. Maturin, *Bertram, or the Castle of St. Aldobrand*," followed by a farce, *Matrimony*.[31]

From that date until May 17 of the same year the bills at the St. Philip Street Theatre consisted mainly of the highly romantic melodramatic plays, with occasional programs of comedy and farce.

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[30] G. C. D. Odell, *Annals of the New York Stage* (New York, 1927), II, 22.
[31] *Louisiana Gazette*, March 13, 1819.

The stock repertoire of the Phillips company was similar to that of the period of the Gothic popularity in New York.[32] Melodramatic pieces, with the complementary use of orchestral and vocal augmentation of effects, were predominant.

No critical account of the performance of the opening evening is available, but contemporary journals furnish a fairly complete list of the season's bills, with an occasional editorial of slight value.

The season's second performance was Home's *Douglas the Noble Shepherd*, on March 17. The editorial comment which followed two days later, while neither elegant in form, nor highly descriptive of the merits of the performers, offers an illuminating insight into the current taste for theatre, and the prevalent attitude toward English drama:

> A few players in the English language have visited New Orleans. On Wednesday evening the tragedy of Douglas was played before an audience of perhaps 350 persons.[33] The story of the tragedy was very affecting, the plot in consonance with the strictest rules of the drama, and the language very beautiful and at the same time void of all bombast. . . . the present company cannot do much to improve the pronunciation of our mother tongue, but they may do something in forming the ear of foreigners who are learning to speak it. That part of our population who speak the English language, increases fast—in a few years its wealth and number will admit of as good support to an American Theatre, here as New York or Philadelphia.[34]

The brief season consisted of the following plays:[35]

March 13, *Bertram*
March 17, *Douglass, or The Noble Shepherd.*
March 20, *The Man of Fortitude, or the Mysterious Castles.*
March 24, *The Revenge.*
March 27, *Venice Preserved.*
March 30, *Adelgetha, or the Fruits of a Single Error.*
April 7, *Barbarossa, or the Tyrant of Algiers.*
April 10, *The Sultan, or the American Captive.*
April 14, *Lovers' Vows.*
April 17, *The Tale of Mystery.*

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[32] The list of plays for the New Orleans seasons of 1819, 1820, 1821, is similar in many respects, though on smaller scale, to that of the New York theatres as given in Odell, *op cit.*, for the years 1798-1810.

[33] The St. Philip Street Theatre had a seating capacity of 700 persons.—Baroncelli, *op. cit.*, 15.

[34] *Louisiana Gazette*, March 19, 1819.

[35] Dates and titles are all taken from *Louisiana Gazette.*

April 20, *The Castle Spectre.*
April 29, *The Hunter of the Alps.*
May 4, *Pizarro, or the Spaniard in Peru.*
May 12, *Frightened to Death.*
May 17, *Isabella, or the Fatal Marriage.*

Two notices, because they introduce interesting aspects of this young American theatre, will bear special attention. Phillips, intent as theatre managers are apt to be, on attracting favorable audiences, advertises *Adelgetha*[36] in a most elaborate fashion:

> Tuesday, March 30, will be presented, a very popular play, in 5 acts, written by M. G. Lewis, Esq. author of the Castle Spectre, etc., performed several nights successively in London, Dublin, New York and Philadelphia, with decided approbation; called
>
> *Adelgetha*
> *or The Fruits of a Single Error.*
>
> 'Tis in man's choice never to sin at all
> But, sinning once, to stop exceeds his power.

The announcement of Holcroft's *Tale of Mystery* includes "with appropriate scenery and music."[37] As far as can be ascertained, this is the first utilization of orchestral music as an augmentation of dramatic action in the American Theatre in New Orleans; it was to form an integral part of the subsequent dramatic practice, both in tragedy and melodrame.[38]

C. The Season 1820: The First Walter Scott Performances

The evident interest and applause aroused by his first season encouraged Phillips to return to New Orleans in January, 1820. His company, recruited from odds and ends of the professional overflow of the "Western Circuit," has been described as "at best a makeshift organization."[39] Had his monopoly on the English speaking theatre remained unchallenged, it is doubtful if the city would have seen a successful season and the introduction of Scott dramatizations.

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[36] *Louisiana Gazette*, March 30, 1819.

[37] *Ibid.*, April 17, 1819.

[38] *Ibid.*, Jan. 16, 1823, announces a performance of *Macbeth*, to be played with "all the original music of the witches." On Jan. 16, 1824, the same paper announces *Macbeth*, with "all the original music by Handel and Arne."

[39] Coad and Mims, *op. cit.*, 134.

But during the first week in January, 1820, James H. Caldwell arrived in New Orleans with a large and carefully recruited company. Phillips had the New Orleans Theatre;[40] Caldwell took over the St. Philip Street Theatre. This young Englishman,[41] destined to be the most prominent figure in the history of the theatre in New Orleans, was to inaugurate the Walter Scott "vogue" soon after his arrival.

On Friday, January 17, 1820, "the company from the Petersburg, Virginia, Theatre, under the management of Mr. Caldwell[42] opened with the perennial *Honeymoon* of Tobin, followed by a farce, *Three and Deuce.*

As an alternative to possible bankruptcy, Phillips accepted Caldwell's offer of a coalition, and the two companies joined; their combined forces presented on the boards of the St. Philip Street Theatre, "Shakespeare's celebrated play of *Romeo and Juliet*" on the evening of January 21, 1820.[43]

Caldwell had drawn from the beginning "a most respectable and numerous audience,"[44] and from his performances audiences departed well pleased—"not one individual went away dissatisfied . . ."[45] If the extended length of the season which followed the combining of the two companies, and the variety and increased elaboration of spectacles offered, may be used as criteria of success, the season was truly notable.[46]

Melodrama, or mélodrame, if we accept Odell's distinction,[47] held the predominant place in the season's repertoire. Musical accompaniment was already a traditional element of the melodramatic play; Caldwell determined to make it a part of his productions in New Orleans, and augmented his small orchestra, which had, with

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[40] The Orleans had been rebuilt in 1818 at a cost of $180,000. Phillips arranged for performances on Monday, Wednesday, and Friday nights.

[41] Interesting accounts of James H. Caldwell are to be found in Ludlow, *Dramatic Life as I found It, and* Hornblow, *A History of the Theatre in America.*

[42] *L'Ami des Lois,* Jan. 20, 1820.

[43] *Ibid.*

[44] *Louisiana Gazette,* Jan. 10, 1820.

[45] *Ibid.*

[46] A complete list of plays for the season is to be found in Appendix A.

[47] Odell categorizes the majority of the plays presented during these first seasons as belonging to a type, mélodrame, a variety distinct from the melodramas of the later decades of the Nineteenth Century.—*Op. cit.,* II, 171, 174. A similar discussion is to be found in H. A. White, *Sir Walter Scott's Novels on the Stage* (Yale Studies In English, LXXVI, Yale Press, 1927), 2, 3, 210, 211. Also in A. H. Quinn, *A History of the American Drama,* (New York, 1923), 102, 103. Odell states that the first melodramatic productions on the American and English stages followed closely the formula of, Guilbert de Pixerécourt, who introduced the type with his *Coelina, ou l'Enfant du Mystère,* in 1800. The mélodrame contained all the elements of the Gothic play—the virtuous, persecuted heroine, a very villainous villain, a brave but unfortunate hero, and servants, comic or otherwise, who came to the rescue of the good. To these it added the use of music to heighten dramatic moments and a liberal use of pantomime. Odell's statement would suggest a closer relation between music and action than exists in later melodrama.

the scraping, perhaps, "of a few fiddles," already ushered into New Orleans what seems to be its introduction to opera in English.[48] Appended to the theatrical announcement of January 19, 1820, is found the following:

> Liberal terms will be given to musicians for the St. Philip Street Theatre, on immediate application. Those particularly wanted are Flutes or Clarionets, Horns and Violins."[49]

Caldwell was planning to delight with a series of "melodramatic spectacles" and plays with "interludes" and "ballets," not the least of which were to be the Scott Dramatizations.

A consideration of the outstanding melodramatic pieces offered points to current desire for emotional spectacle and pageantry, decorated with the usual assortment of Gothic castles, interiors, and furniture.[50] *Douglas*,[51] *Paul and Virginia*,[52] *The Mountaineers*,[53] *The Tale of Mystery*,[54] *Ella Rosenberg*,[55] *The Devil's Bridge*,[56] *The Hunter of the Alps*,[57] *Venice Preserved*,[58] *The Castle Spectre*, *The Gamester*,[59] and several others less worthy of notice formed the melodramatic fare; many were advertised as "pathetic melodrama" or "grand melodramatic spectacle." Announcements do not indicate specifically that musical accompaniment was included, but Caldwell's enlarging of his orchestra would answer that question affirmatively.

Thus we find Caldwell establishing in New Orleans a definite theatrical tradition of melodramatic play with musical accompaniment; whether he was conscious of the fact or not, he was preparing the way for the popularity of the Scott dramatizations, which, according to White, contain all the elements of the typical melodramatic play.[60]

We might question, of course, this statement, but Allardyce Nicoll's explanation of the characteristics of the melodrama will show how typical the dramatic versions of the Scott novels were,

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[48] *Louisiana Gazette*, Jan. 11, 1820. A performance of *Rosina*, an opera in English, is favorably commented on.

[49] *Ibid.*, Jan. 19, 1820.

[50] I have read, in Odell, synopsized versions of the plots of plays cited in this paragraph and they contain the exaggerated characteristics above mentioned.

[51] *L'Ami des Lois*, Jan. 29, 1820.

[52] *Ibid.*, Feb. 4, 1820.

[53] *Ibid.*, Feb. 18, 1820.

[54] *Ibid.*, March 13, 1820.

[55] *Louisiana Gazette*, March 24, 1820.

[56] *Ibid.*, March 25, 1820.

[57] *Ibid.*

[58] *Ibid.*, April 7, 1820.

[59] Both the *Castle Spectre* and the *Gamester* announced in *L'Ami des Lois*, April 15, 1820.

[60] White, *op. cit.*, 5.

as example of that genre. "Derived from the Greek 'a song,' it (the melodrama) originally signified only a serious drama wherein a number of lyrics were introduced, becoming in some respects equivalent to opera . . . with the operatic tendencies of the eighteenth century, however, melodrama, as distinguished from tragedy, tended to become increasingly more sensational . . . . Song, show, and incident became the prevailing characteristics in it . . . ."[61]

White, in summarizing the "exaggerated effects" common to the majority of the Scott dramatizations, includes "the use of song and recitative," "picturesque scenery and scenes," "Exaggeration, struggle, surprise."[62] His detailed discussion of each of these points proves conclusively that if New Orleans audiences were devotees of the melodramatic muse, it is not to be wondered at that the Scott dramatizations became immediately popular, and later withstood the competition for favor created by the rise of nationalistic theatre.

The first Scott play to delight the city's audiences, first of that long line that issued from the plots of the Waverly romances, was *Guy Mannering*, performed on January 27, 1820.[63]

The lack of playbills and programs, and the absence from announcements of any reference to collaborating authors make it impossible to identify exactly the version used. There were, however, only two adaptations of *Guy Mannering* by 1820, that of Daniel Terry, subtitled the *Gipsey's Prophecy*, and an anonymous version, subtitled the *Gipsey's Warning*. The subtitle given in the announcement of this initial performance would indicate the former, whose success in England, Scotland and America has often been attributed to the excellence of Bishop's musical score.

Whatever version may have been used, Caldwell added an ingenious touch of originality to the score by introducing into the musical portions "A Sporting Cantata composed by Mr. Phillips called the 'Hunter's Hour in the Morning'!"[64] The Henry Bertram of this occasion was Arthur Keene, and while the local periodicals carry no commentary on his performance, he had successfully made his debut as Bertram at the Park Theatre in New York in 1817; he was already well known in that metropolis as a concert singer.[65]

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[61] Allardyce Nicoll, *The Theory of Drama* (New York, 1931), 48.
[62] White, *op. cit.*, 211.
[63] *Louisiana Gazette*, Jan. 21, 1820.
[64] *Ibid.*, Jan. 27, 1820.
[65] Odell, *op. cit.*, II, 504, 511, 512.

Public reaction to this "Terry-fication" of Scott can only be estimated by the fact that it was repeated on February 8, and heralded as a performance "by desire";[66] an inspection of theatrical announcements from the year 1815 to that of 1832 shows that few plays, save those of Scott, merited that special commendation. Within that season only one other play had a repetition in performances, and that was Noah's *She Would Be a Soldier*, a play admittedly American in subject matter and treatment, and so advertised.[67]

Had Caldwell not been interested at the time in plans for other Scott plays, *Guy Mannering* in all probability would have been favored with other performances. Caldwell, was, above all, an alert showman; if *Guy Mannering* had proved successful why not some other Scott piece? Why not *The Lady of the Lake*, which had probably been widely read in New Orleans since its publication in 1810. It had been produced successfully in New York at various intervals since 1812.

Thus treading within the shadow of the performance of February 8th, he announces that on Friday, February 11, 1820, "will be presented for the first time in New Orleans, the celebrated operatic spectacle of the *Lady of the Lake*, taken from Walter Scott's poem of that name."[68] The only record of that performance exists in a reference which the faithful (if inexact) historian Ludlow gives. Commenting on his own performance of *Fitz-James* in New Orleans a year later, he intimates that Caldwell played the role well and to great applause."[69]

The temptation to claim for a theatre or a city the honor of a "first American performance" has caused no end of discussion and controversy since local historians first attempted to record the accomplishments of their native places; the situation becomes tantalizing when contradictory evidence appears in the only available sources of authentic information. The files of two periodicals produce evidence to the effect that *The Bride of Lammermoor* received an initial performance on April 19, 1820; one advertisement declares, "In preparation, for the benefit of Mr. Caldwell, a new play called the *Bride of Lammermoor*, written by a gentleman of New Orleans;"[70] two others, of later date, proclaim the perform-

[66] *Louisiana Gazette*, Feb. 7, 1820.
[67] *Ibid.*, March 16, 1820.
[68] *L'Ami des Lois*, Feb. 10, 1820.
[69] Ludlow, *op. cit.*, 215.
[70] *L'Ami des Lois*, April 15, 1820.

ance of a new play, called the *Bride of Lammamoor*.[71] Such journalistic proof might verify a boast of "first American performance" for New Orleans were the theory not blasted by an editorial appearing almost a year later, which not only makes this performance doubtful but offers valuable insight into a desire on the part of the theatrical clientele for Walter Scott drama.

A spirited journalist, who signed his critical effort "The Public," produced the following editorial, which causes several questions to arise:

> It will be recollected that Mr. Caldwell last year publicly promised that the play of the Bride of Lammermoor should be performed on his return to New Orleans.[72] But contrary to the expectations of the public this play has not been performed. It is not to our design to recall to mind the disappointment of the many who wished to see the play but we should respectfully suggest to Mr. Caldwell the propriety of fulfilling his promise, as in our opinion it is the duty of the manager of a theatre to keep his word, as well as any other person in society. We presume that Mr. C. will not think his advertising in a public paper "that if the author of the Bride of Lamermoor will furnish him with a copy, he will put it in rehearsal and use his best endeavor to ensure its success, etc." will be accepted by the public as an apology for his not performing it this season, or that the common report, that the play is good for nothing and not worth seeing, will justify him in breaking his promise.[73]

Had Caldwell performed the play in the preceding season, and does this public-minded citizen refer to the promise of a repetition of the play for 1821? Or, had Caldwell, for good theatrical reasons, decided against the use of the Ms. by the "gentleman from New Orleans"?

The question must remain unsolved because of lack of any other existing material in regard to the unhappy play; certainly, as far as subsequent newspapers indicate, the *Bride of Lammermoor* was not performed in English during the years 1818-1832.[74]

The editorial throws sufficient light on popular opinion to warrant the belief that by the end of the season—1820—Walter

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[71] *Louisiana Gazette* and *L'Ami des Lois* for April 19, 1820. The peculiar spelling given is that which appears in these papers.

[72] *The Bride of Lammermoor* was produced in New York on April 26, 1827.

[73] *Louisiana Gazette*, March 1, 1821.

[74] Two performances in French are discussed briefly in Chapter III, Section I, of this Thesis.

Scott adaptions had aroused keenly the attention and demand of the patrons of English drama; Caldwell was to encourage that desire in the following seasons.

D. Other Amusements Offered in New Orleans, 1818-1832

While the Walter Scott dramas were making their impressive bow to the American audiences, the mixed populace of New Orleans, composed of a heterogeneous group of citizens of Gallic, English, and Yankee ancestry, were with an indomitable energy transforming this unproductive area of swamp-land into a commercial metropolis. Growing to metropolitan estate, it began to widen the scope of its amusements.

Despite the Gallic tradition which has enveloped the history and legends of the city, a considerable portion of the population were, if the reports of contemporary chroniclers be true, neither of French origin nor tastes. They were Americans; as such their interests and ideas concerning suitable entertainment were similar to those of residents of any other American city of the South at that epoch. How numerous was this American population and what would their pleasure-seeking proclivities be?

Guide books and directories of the period afford some information. Praising the metropolitan advantages of the city one directory announces:

> Business, as the cool weather advances, begins to increase, and strangers from every part of the Union flock into the city, like birds of passage, to pass the winter and away again the spring:— Among the influx of strangers are many young Yankees, all eager to find employment, all using their utmost exertions to that effect.[75]

A brief glance at the pages of subsequent directories shows that these "utmost exertions" to remain were effective; there is a heavy enrollment of English and American names. A contemporary description of the city of New Orleans, paints the following picture of the city's populace in the 20's:

> The population of the city is, of course of the most motley description, and of every complexion from the most beautiful white and red, through all the shades of brown and yellow, to jet black. Americans from every state, from Maine to Georgia,

[75] Paxton, *New Orleans Directory and Register*, (1822), 42.

> form about three-eighths [76] of the population of the city and state; and among them are some of the wealthiest families in Louisiana.[77]

With such a large percentage of Anglo-American population, might we not expect New Orleans to indulge in Anglo-American pastimes comparable to those of her sister cities in the East and South?

Coad and Mims, reviewing the cultural bent affected by the more Eastern and Northern regions of the South, indicate an Anglophile bias:

> The tobacco planters of Maryland, and the rice and indigo planters of the Carolinas were a self-conscious aristocracy, who aped fashions and fads in vogue among English gentry.[78]

The same criticism, if it be such, might be levelled at any other American city of the period, and at New Orleans.

Many historians, both of past and recent years, in dwelling upon the Latin traditions of New Orleans and its Gallic temperament, have overlooked the previously mentioned high percentage of Anglo-American and American inhabitants. A brief study of the prevalent *extra*-theatrical amusements offered—circuses, concerts, varied theatrical oddities—will show a predominant English tone. Some of the entertainment offered was Gallic, but not all.

Many diversions, representing a novel variety, appeared in the theatres, ball rooms, and other entertainment locales of the city. Some astute and sensitive chroniclers might blush to disclose many of the astonishing and unsophisticated novelties that occurred, either as augmentations of serious dramatic spectacles, or singly in their own unashamed glitter, during the 20's and 30's. A glance into the annals of the eastern theatres reveals the early arrival and persistence of similar forms in New York and Philadelphia.

Certainly, the local journalists and compilers of directories boasted of these features:

> The inhabitants of New Orleans are now likely to have amusements enough. Not to speak of the races, which will soon be over, there are plays in French or English every night in the week besides a Circus, and Phantasmagorie, Balls, negro dances, etc.[79]

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[76] This is a considerable proportion since of a total population (in 1820) of 29,000 persons, 13,592 were colored.
[77] Josiah Conder, *The Modern Traveller* (London, 1830), XXIV, 213.
[78] *The American Stage*, 9.
[79] *Louisiana Gazette*, Jan. 4, 1823.

Circus? It is amazing that the young American city had not experienced the thrills of Pepin's circus earlier.

John Davis and the sedate French theatre had not introduced that exciting form of delight to the city. Already an established institution in New York and Boston, where they had received "the most unbounded applause and approbation."[80] Pepin flourished the blandishments of stilt-walkers, hoop jumpers, slack-wire artists and all the paraphernalia of his trade, before the astonished eyes of the citizenry in a prodigious announcement, commencing on November 21, 1821, the date of opening, and continuing for many days.[81]

After a season of many weeks, he departed, to return, however, on November 10, 1822,[82] for a second stay.

As far as newspaper files show, two other Circuses appeared later; one, known as the *North American Circus,* advertised its variety of "equestrian exercises," "pleasing and arduous feats of horsemanship," "still vaulting," and "slack rope," commencing on March 13, 1827, at the "first corner above the American Theatre."[83] Caldwell lost little time in making advantageous connections with this group, for on April 23, the performance of *Timour, the Tartar,* was rendered more realistic with "all the beautiful stud of horses belonging to the North American Circus Company."[84] The second, whose programs parallelled those of Pepin, established itself at the corner of Orleans and Royal Streets on March 7, 1828, for a short season, and was known as the *New Orleans Circus.*[85]

It is interesting to note in passing that the Scott vogue found its way even into the circus; the *New Orleans Circus,* in announcing its performance for March 14, 1828, notifies the public that it might witness on that date the amazing equestrian feats of the "remarkable horse, *Rob Roy.*"[86]

Musical programs, which are not mentioned by the civic minded editor of Paxton's *Directory,* are regularly announced as part of the programs of the French theatre; they are unfortunately rare in occurrence among the American amusement notices, but, when printed, show a distinct tendency on the part of the artists toward Scotch and English music.

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[80] Odell, *op. cit.*, II, 305.
[81] *Louisiana Gazette*, Nov. 21, 1821.
[82] *Ibid.*, Nov. 8, 1822.
[83] *New Orleans Argus*, March 13, 1827.
[84] *Ibid.*, April 23, 1827.
[85] *Ibid.*, March 7, 1828.
Newspaper files do not record the closing dates of any of these circuses.
[86] *New Orleans Argus*, March 14, 1828.

One of the earliest notices of a musical program in English, announces a concert by Mrs. French, at the St. Philip Street Theatre on March 15, 1821.[87] The program is varied, including some Italian airs, but predominating are Scotch and English ballads. The bulk of the program is carried by such songs as Moore's *Believe me if all those endearing young charms, Love among the Roses,* a Scotch air, *Roy's Wife,* and Bishop's, *Lo here the gentle Lark.*[88]

Mrs. French gave another concert on March 21, 1821, which again consisted mainly of Scotch and English ballads, designated in the announcement as "Scotch airs."[89] In subsequent years we find scattered notices of concerts, usually prior to and after the theatrical season, announcing concert programs of English and Scotch songs, with a slight variation of Italian music.

One program, in the year 1822, is particularly interesting. A youthful performer, Master Joseph, announces for July 17, 1822, an "Olio" or "Ollapodrida"[90] to be given at the St. Philip Street Theatre. Included in the series of songs and instrumental numbers, all in English, were *The Minstrel Boy,* and *The Last Words of Marmion.*[91] Notices of music that is connected directly or even remotely with the Scott dramatizations or poetry are too scattered to permit the voicing of any positive argument relative to a vogue for such music. But, in a day when advertisements for music were quite rare, an announcement such as the following might show that the city's tradesmen were aware of a desire for music from Walter Scott operatic plays:

> Just received per ship Missouri from Philadelphia, the admired Overture, Chorus of Highlanders Waltz, and Quickstep to the Opera of La Dame Blanche[92] . . . . For sale at the Music Store of John G. Klemm, 49 Canal Street.[93]

Other scattered indications of an interest in Scotch music are to be found. A special notice beneath the theatrical advertisement for the American Theatre's performance of June 6, 1827,[94] announces that "a gentleman, a native of Scotland, who has kindly

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[87] *Louisiana Gazette,* March 15, 1821.

[88] The capitalization given is that of the newspaper announcements.

[89] *Louisiana Gazette,* March 21, 1821.

[90] The term, Spanish in origin, signifies a rather heterogeneous program of vocal and instrumental numbers.

[91] *Louisiana Gazette,* July 17, 1822.

[92] The play, both under the title of the *White Lady* and *La Dame Blanche,* was well known to the New Orleans public by 1827. See Chapter III, Section H, of this Thesis.

[93] *New Orleans Argus,* May 24, 1828. Editorials in both the English and French sections of the *Argus* appear on Feb. 8, 1827, which indicates that the "subject" of the play is "borrowed from Scott's novels."

[94] *Ibid.,* June 6, 1827.

volunteered his services, will play several Scotch airs on a real Scotch harp." This, evidently, to take place between the two plays billed for the occasion.

These few desultory instances do not constitute an overwhelming proof in favor of a belief that the Scott vogue had affected the musical tastes of the community to a marked degree; they do, however, warrant the statement that the populace was interested to some degree in whatever touched even remotely on Walter Scott.

E. Types of Literature Popular, 1817-1832

"Lean Kentuckians, floating down the Mississippi on flatboats loaded with merchandise, used to speak of New Orleans as 'the city of sin.' "[95]

True, theatre, balls,[96] masquerades,[97] gambling,[98] horse races,[99] and other pleasures of a more precarious nature[100] played a part in the extravagant life of this community. But all was not excitement and gaiety; the Southern planter and his metropolitan contemporary could truthfully boast that they indulged in the more sedate pleasures of life. They were, despite the many generalizations to the contrary,[101] readers of books, and patrons of authors.

Speaking of the literary tastes in the entire South during the period, William E. Dodd comments: "In the great house there was a library which was likely to be the home of law books, of histories, of English novels, and of handsomely bound Greek and Latin classics. There were quarterly reviews on library tables;. . . ."[102] Dodd indicates the date of this cultural state quite definitely with the phrase "before 1860."[103] Other and more recent accounts of libraries and reading in the early South offer more definite and satisfying pictures of the intellectual life below the Mason-Dixon line.[104]

Commenting on the traditional belief that the South read little except its newspapers, Miss Landrum notes; "On the whole, I be-

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[95] Lyle Saxon, *Old Louisiana* (New York, 1929), 121.
[96] Paxton, *op. cit.*, 44.
[97] *Louisiana Gazette* Feb. 7, 11, 1825.
[98] *Louisiana Advertiser*, Jan. 21, 1826.
[99] *Louisiana Gazette*, Dec. 2, 1822; Jan. 7, 1823.
[100] *Ibid.*, March 17, 1821. This issue contains an editorial on the "dance houses" along the river, in the Suburb St. Mary.
[101] M. J. Moses, *Literature of the South* (New York, 1910), 255; Bliss Perry, *The American Spirit in Literature* (New Haven, 1921), 245.
[102] W. E. Dodd, *The Cotton Kingdom* (Yale University Press, 1918), 79.
[103] *Ibid.*, 96.
[104] I refer especially to Grace Warren Landrun's "Notes on the Reading of the Old South," *American Literature*, III (1931-1932), 50-71. This article concerns itself mainly with cities in Georgia, South Carolina and Virginia.

lieve the scantiness of books in the South and the consequent lack of reading have been over-emphasized; the traditional view, will, probably die slowly."[105] The tangible and persistent evidence which a careful study of advertisements in New Orleans papers for the period (1818-1832) brings to light dispels this uncritical hypothesis, certainly with regard to New Orleans.

The earliest cataloguing of the status of the "book-mart" in the city is to be found in a directory for 1822. Following a long list of the economic and industrial advantages of the city, the editor indicates that there were "9 book and stationary [sic] stores; 4 book-binders; . . . 8 book and newspaper printing offices."[106] Of circulating libraries, too, there was no lack, for the same directory speaks of "the New Orleans society library, kept in the Government House, containing 6000 volumes, principally in French and English, and 1 English and 1 French circulating libraries; . . ."[107] We can only speculate on the range and value of the books contained, but the advertisements for the new shipments of books are frequent and numerous enough to allow us to reconstruct in part the bookshelves of the living room of the 20's and 30's. To augment our picture, we may take into consideration the numerous reprints of poems and fragments of poems which can be interpreted as indicatory not only the peculiar taste of the journal's editor, but also that of an eager public which indulged in clippings and scrap-books.

Thomas Moore, Thomas Campbell, Byron, Burns are there in force, and there is abundant confirmation for their popularity. Pringle, Mrs. Hemans and later Cooper and Whittier are announced as accessible in the leading book stores, but after careful study, the fair-minded investigator realizes that devotion to Walter Scott predominated.

Without attempting to tabulate these findings, we might give a brief survey of reprints and advertisements.

Despite the animosity which his criticisms of America had aroused, Moore was popular in the South. *L'Ami des Lois* for February 11, 1819, contains three advertisements for his *Irish Melodies*, and at various times the editorial pages of other papers carry reprints of such bits of verse as "Oft in the stilly night,"[108] "Thee,

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[105] *Ibid.*, 65.

[106] Paxton, *op. cit.*, 19.

[107] *Ibid.* Later, on March 4, 1825, the *Argus* announces that Mr. Boimare has just opened a "Reading Room, consisting of many thousand volumes such as Novels, History, Travels, etc., etc."

[108] *Louisiana Gazette*, Feb. 16, 1821.

thee, only thee,"[109] and the "Martial Hymn"[110] Campbell, whose martial spirit must have appealed to the romantic idealism of the South, is represented at an early date by a reprint of the *Song of the Greeks*,[111] and much later by the *Call of Poland*.[112]

The reckless, romantic Byron appears not only as a bookseller's item[113] but under other circumstances. Scattered through the editorial sections of the 20's we find a variety of notices of poetry by Byron and numerous biographical notes. From the *Boston Repertory*, the *Louisiana Gazette* for August 5, 1824, prints an article concerning Scott's "Notice of Lord Byron." The same paper later gives us such additional matter as a reprint of *To a Lady*,[114] an article on Disraeli's *Life of Byron*,[115] and a reprint from the *London Literary Gazette*, entitled "A Visit to the Tomb of Byron."[116] More indicative of his popularity, however, is a note appended to the advertisement of the American Theatre for May 29, 1826: "For the closing night had been in preparation an interesting piece, called the *Vampyre*, taken from a poem, supposed to have been written by Lord Byron."[117] This obviously arose from a recognition of an existing demand for Byron.

Burns merits no unusual attention except in connection with Sir Walter Scott. The *Louisiana Gazette* in 1822 published a brief statement from the *Glasgow Chronicle*, under the caption, "Literary Society, Glasgow." This article declares: "The question on Thursday evening at the Lyceum, 'whether the writings of Sir Walter Scott or Robert Burns have tended most to the improvement of mankind?' was, after an animated debate, carried by a considerable majority in favour of Burns."[118] If the recurrence of Walter Scott's name, and the accompanying praise thereof may be used as proof of popularity, we cannot concede the decision of The Glasgow Literary Society.

The Eighteenth century still held attention, and various notices of the works of Goldsmith, Defoe, Richardson, Johnson, Sterne appear in general book notices. Even the Ossianic poems find their way into the pages of the *Louisiana Gazette*, by a rather

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[109] *Ibid.*, Aug. 23, 1821.
[110] *Ibid.*, Aug. 29, 1821.
[111] *Ibid.*, Feb. 6, 1823.
[112] *Ibid.*, Sept. 7, 1831.
[113] Advertisement in *L'Ami des Lois*, for Feb. 11, 1819.
[114] *Louisiana Gazette*, Aug. 21, 1828.
[115] *Ibid.*, June 28, 1828.
[116] *Ibid.*, Aug. 30, 1828.
[117] *Louisiana* Advertiser, May 29, 1826.
[118] *Louisiana Gazette*, Aug. 8, 1822.

devious route. The editorial page for May 30, 1826, prints an extract from Ossian, "translated for the *Louisiana Advertiser* from a French translation of Ossian."

But testimony as to the enjoyment of all these writers becomes insignificant when compared with the astonishing amount of advertising, commentary notice, and even semi-critical material that can be found concerning Scott, his poems, and the Waverley novels.

The term "semi-critical" may seem unjustly severe, but the dearth of real critical writing in the English sections of all the contemporary papers renders the designation quite fitting and exact. The French inhabitants were more fortunate in the editorial policies of their particular sections of the papers. Editorials, some formal, others of a rambling nature, appear in the French pages of *L'Ami des Lois*, *Louisiana Courier*, and *Louisiana Gazette*. By 1824 the *Louisiana Gazette* had an established and rather creditable French column that appeared under the heading "Feuilleton". In the summer of 1824 an English column called "The Gossip," similar in form to the French column, and dealing as the latter did, with literary, social, ethical, and theatrical matters, made its appearance. It ran for only thirteen issues.[119]

For that reason, a study of the Scott vogue among the reading public must be based on a consideration of recurrent advertising as well as favorable or unfavorable editorial commentary.

Throughout the expanse of wealthy plantation land of the South Scott's novels and poetry were "enthroned in every library."[120] The cotton planters and their city neighbors found they fitted in with their ideals of life, patriotism, and good breeding. "To men whose interests were those of masters of slaves and whose philosophy was the doctrine of social caste and prescriptive rights, it was but natural that Walter Scott's famous novels should make an appeal. One New York publisher said he sent Scott's works South in carload lots."[121]

At the time when, in dramatized form, they were beginning to find favor in the eyes of the theatre-going public of New Orleans, were they also forming part of the common intellectual property of the citizenry in their original versions?

The rapidity with which the novels found their way into the book stalls of local dealers is astonishing. *Rob Roy* had reached

[119] *Ibid.*, Aug. 8, 1824.
[120] Dodd, *op. cit.*, 63.
[121] *Ibid.*, 62.

the English public on the last day of December, 1817; by April, 1818, we find it advertised by the local merchants. Benj. Levy, one of the leading book-sellers, announces, "Rob Roy, in two volumes, by the author of Waverley, Guy Mannering, the Antiquary. Just received and for sale by Benj. Levy & Co."[122]

The inclusion, in this advertisement and in the majority of subsequent announcements studied, of the names of previously published novels, would indicate that they were well known to the book seller's clientele.

Ivanhoe was presented to New Orleans readers with even greater celerity than the previous novel; this novel, which occasioned "a more clamourous delight than any of the Scotch novels,"[123] came out on December 20, 1819, and less than four months later "Ivanhoe, a novel of two volumes by the author of Guy Mannering, Rob Roy, etc.—"[124] is offered for sale by the prompt Benj. Levy.

With no evidence, documentary or otherwise, to indicate the rapidity with which these novels left the seller's book shelves, it would be illogical to state that they were sensational "best-sellers," but we may speculate that they had an appreciable sale. Mr. Levy's announcement of April 11, 1820, "Ivanhoe; a few more copies of the above work just received,"[125] substantiates the belief that merchants experienced no difficulty in disposing of Scott's novels.

Even by-products of the novels found favor with the literary minded citizens, for Levy in an announcement of "English Books" includes "*Illustrations of Ivanhoe,* engraved by Francis Kearney, drawings by Richard Westcott."[126]

Just how strong an impact these two novels made on the reading public, exactly what reaction to plot, character, and style was experienced, we cannot determine, since neither editorial comments nor critical reviews are to be found in newspapers of the day. Southern journals of a critical nature do not exist for this period.[127]

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[122] *Louisiana Gazette,* April 16, 1817.

[123] John G. Lockhart, *Life of Scott* (Philadelphia, 1838), II, 170.

[124] *Louisiana Gazette,* March 29, 1820.

[125] *Ibid.,* April 11, 1820.

[126] *Ibid.,* Sept. 14, 1820. At least one home visited in North Louisiana which dates from this period contains a number of such volumes of engraved illustrations of books, plays, and poems. I refer to Rosedown Plantation.

[127] *The Southern Review, Southern Rosebud,* and *Southern Literary Messenger* were not published until later in the 1820's. Furthermore, they reflected the opinions of the literary groups of South Carolina and Virginia. Grace Warren Landrum, in her alaborate study of Scott's influence in the South, "Sir Walter Scott and his Literary Rivals in the Old South," does not touch upon the Scott vogue prior to 1827. She comments: "I am inclined to think that Southerners in general bought him more eagerly at a later date, though the influential class may have purchased him earlier, at a higher cost."—*Loc. cit.,* 260.

But as early as 1821 interest was evinced not only in his writing, but in the man himself, especially since the identity of the "author of Waverley" was still a secret. The *Louisiana Gazette* of April 11, 1821, not only contains an advertisement for the recently published *Kenilworth*,[128] but ventures a slightly critical note and comment on the author's nationality:

> Kenilworth, the latest novel by the author of Waverley we think is at least equally as interesting as any of the others, and many readers will think it much more so. As there is yet doubt who is the author of these excellent novels,[129] we would suggest that the following passage in Kenilworth might be supposed to furnish evidence of the claims of a country not before hinted at. "The clock is now standing still; a circumstance peculiarly striking."

While in this article, and in later years when critical statements become more elaborate, Scott's excellence is praised, and while repeated advertisements witness his popularity, adverse criticism was allowed. Published at the end of 1821, *The Fortunes of Nigel* had met adverse criticism elsewhere, and the editor of the *Louisiana Gazette* evidently concurred with this unfavorable reaction, for he printed from Mrs. Colvin's *Weekly Register* a most uncomplimentary and lengthy notice:

> The author of the "Fortunes of Nigel" has attempted, it would seem, to portray the characteristics and manners of the reign of James I, and it is possible he may have caught some faint colouring of the complexion of society at that period. But almost all his personifications, if we may judge from the general principale of human nature, are caricatures. There is much too of plagiarism from the author's self and others in the work. . . . The vulgar slang introduced in the course of the volume is disgusting . . . . Whilst we admire sound English literature, we do not feel in the least inclined to countenance the trash that is thrown out from the British press; . . . .[130]

That the editor himself was not inclined to "countenance trash that is thrown out from the British press" is evidenced by the fact that this reprint followed by a day an editorial whose allusions are too pointed to be interpreted as other than a criticism of the widespread popularity of Scott's novels:

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[128] Published in January, 1821.

[129] The identity of Scott as the author of *Guy Mannering*, and thence of the Waverley novels, should have been public property in New Orleans by this date, since advertisements for the dramatic version of *Guy Mannering*, appearing in the *Louisiana Gazette*, Jan. 26, 27, and Feb. 7, 1820, announce "taken from Walter Scott's Novel."

[130] *Louisiana Gazette*, Oct. 4, 1822.

> Foolish stories about men and women, lovers and pirates, scotch-border heroes, and Abbots and Monasteries have now become so common that the readers of the Gazette may like to hear something more oracular and wonderful.[131]

He then follows this statement with a ridiculous tale of a wonderful, prophetic parrot. The good journalist undoubtedly felt that the enthusiasm for Scott had reached an extreme stage and needed some disciplinary criticism.

In the latter part of 1823, two booksellers vied with each other, in print of typographical boldness, in advertising *Quentin Durward*, which they both announced as "A Romance in two volumes by the author of Ivanhoe, the Pirate, Peveril of the Peak, etc." The bookshop of Benj. Levy ran the advertisement from August 13 to 26, while the second merchant, Charles Rollinson, commencing his announcements on September 15, continued them for twelve days.[132] The duration of such advertising might indicate either a disinclination on the part of buyers or an extreme popularity; in view of the author's following we may well choose the latter alternative.

Redgauntlet received some slight editorial attention as early as December, 1823, previous to its publication,[133] and on its arrival in local shops was advertised for several weeks.[134]

In considering the attitude of the public toward the Scott novels and romances for the years that follow we can fortunately depart to a small extent from a mere cataloguing of advertisements. By 1825 critical articles and a variety of re-printed material became more frequent in the newspapers. Thus the *Louisiana Courier* for September 9, 1825, in pursuit of the identity of the "author of the Waverley Novels" prints an article from the *Paisley Observer*, which relates an anecdote concerning the use by Walter Scott of some antiquarian notes belonging to Joseph Trains. Trains recognized the material when it appeared in *Old Mortality*. This, the article claims, "goes far to identify Sir Walter Scott with the authorship of those popular Novels and Tales ascribed to his pen."

The same newspaper, a few weeks later, gives the first extended review of a Walter Scott novel contained in contemporary

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[131] *Ibid.*, Oct. 3, 1822.

[132] Advertisements mentioned appeared in *Louisiana Gazette* for said dates.

[133] According to White (*op. cit.*, 176) *Quentin Durward* was not popular in England or Scotland, but was well received in France. Would the English reading portion of the French population in New Orleans have been enthusiastic about it, because of its French background?

[134] Editorial in *Louisiana Gazette*, Aug. 5, 1824. Benj. Levy ran advertisements for *Redgauntlet* for several weeks, commencing on Sept. 10, 1823, in *Louisiana Gazette*.

columns. Under a bold heading—"Literary"—and signed "Wahrheit," it merits partial copying because of its rarity and unusual detail:

> It is with deepest regret that I have heard the most severe criticisms expressed on the last productions of the admired author of "Waverly," and it is not with a view to pass an imperious opinion in opposition to those gentlemen for whose judgment I have much deference, nor to attempt a criticism of the *"Tales of the Crusaders,"* but merely to express such hints as I believe warranted by the perusal of the works.
>
> To say that the *"Tales of the Crusaders"* are the *chef d'ouevres* of our author would be pedantic arrogance, but to affirm that neither of them is worthy of approval, can only proceed from prejudice and predilection; indeed, it is not at all astonishing to see persons so much prepossessed in favor of the earlier productions of our author, as to make his present offsprings appear, as it were, through a maze—the variety and excellence of the productions of this extraordinary man, have been such as almost bewilder the most pacific mind. However, his powers seem to be inexhaustible, the pregnancy of his invention appear as forcibly and as strikingly in the "Tales of the Crusaders" as in "Waverly" and "Ivanhoe."
>
> The first tale, entitled *"The Betrothed"* does not often astonish the mind not enrapture the senses, but it keeps the reader continually anxious and solicitous for the fate of the amiable heroine and her faithful tho' unavowed lover . . . .
>
> The second tale, the *Talisman* however, far surpasses the first—from the beginning to the end, we are hurried on in a continual strain of grandeur and magnificance. The really poetic description of the Dead Sea in the commencement of the novel, if written by Homer or Vergil[135] would have been no dishonor to either of them."[136]

The review speaks at great length of the individual characters of the novels. We are told of "the impetuosity and courage" of Coeur de Lion; the "calm and deliberate valor" of Kenneth, and the "fortitude and elasticity of his mind." Saladin is "generous and high minded," and the heroine, Edith, is both *"high soul'd* and spirited." "Wahrheit" even comments upon the "most happy" introduction of the dog into the plot.

The appeal of this novel can be easily understood when we reflect on the romantic tendencies of the Southern ladies and gentlemen, men who easily stirred "to think of themselves as proud

[135] This classical allusion is in keeping with Dodd's statement concerning the "handsomely bound Greek and Latin classics" found in libraries of the South at that time.

[136] *Louisiana Courier*, Oct. 3, 1825.

knights ready to do or die for some romantic ideal."[137] On the whole, this review is the most exhaustive and satisfactory to be found in papers of that period, not only because of its length and detail, but also because of its marked enthusiasm for Scott.

This spirited admiration was not even restrained when an unidentified reviewer of the *Louisiana Advertiser* devoted some considerable editorial space to praises of Cooper's *Last of the Mohicans*. Even the great American novelist must share the glory of the "Great Unknown." "The decided method of fictitious composition, is so obvious that it would be wasting time and paper to say anything in its vindication. *The Great Unknown* is generally, and, I believe, justly, considered as the father of this species of writing. He has been followed, however, by a host of imitators; but only one has been so far successful as to be worthy of being called his rival . . . ."[138] A sense of national pride, which had begun to flourish after the War of 1812, could not destroy the loyalty to Scott.

This loyalty not only remained unflaggingly staunch, but received an added impetus when the beloved author of the Waverley novels suffered financial rebuffs.

His identity must have been generally known in New Orleans by the end of 1825, for "Wahrheit," in the closing paragraph of his review of *The Tales of the Crusaders*, refers to him as "our old and honored friend *Sir Walter Scott.*"[139] Certainly by April, 1826, the fact was common property, since an editorial in the *Louisiana Advertiser*[140] announces:

> By private letters of the first respectability, it is affirmed that Sir Walter Scott has avowed himself, *on oath*, the author of the Waverly Novels. This declaration was brought forth in consequence of some examinations resulting in the state of his private affairs, which had been injured by the failure of Constable & Co. It has not been made public in the English papers.[141]

The Constable failure had become public on January 16, 1826; by May the New Orleans newspapers were not only expressing

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[137] Dodd, *op. cit.*, 62.
[138] *Louisiana Advertiser*, March 6, 1826.
[139] *Louisiana Courier*, Oct. 3, 1825.
[140] *Louisiana Advertiser*, April 29, 1826.
[141] Lockhart says that up to the time of the famous theatrical dinner at which Scott presided, on February 23, 1827, and at which Scott, on the insistence of Lord Meadowbank, publicly acknowledged the authorship of the novels, "upwards of twenty persons" only knew the fact.—*Op cit.*, II, 58, 59, 60.

solicitude for Sir Walter Scott, but suggesting devices by which his misfortunes might be alleviated. To this effect the *Louisiana Advertiser* published a lengthy argumentative article, taken from the *New York American*, which suggested that the "members of Congress" pass a law granting the privilege of American Copyright to Scott for a given time:

> Can the people of this country, who not less scarcely than those of his own, have borne most willing testimony to the power of Scott's pen, not do something that may testify their sense of his high genius, while it shall afford some remuneration and stimulus to his future exertions.
>
> They can — Let Congress pass a law granting to Sir Walter Scott, the privilege of the Copyright for a given time; and let them assign the reason which in this instance should induce a departure from the established law. This would be a glorious testimony from a nation to the genius of an individual a foreigner! It would be a testimony from human nature to one who in a degree only second to Shakespeare, has touched with a master's hand the inmost feelings and passions of the human heart. It would be a practical illustration of the truth, that the republic of letters knows no geographical boundaries. Such a proceeding, too, would be not less profitable than honorable to the mighty magician.
>
> Our book sellers could afford to pay a very liberal price for the copy right; for the sale of these novels has been, and while the same talent is manifested in them, will continue to be immensely extensive in this country. We submit these suggestions in all deference to the members of Congress.[142]

Just a week later, another paper, evidently in similar sympathetic mood, printed from the *Baltimore American* a lengthy eulogy on the character of Walter Scott.[143]

The novels continued to appear in the local shops, their arrival occurring in closer proximity to their first date of publication. *Woodstock*, first published in May, 1826, is advertised as early as June 28, 1826, by three leading book merchants, McKean, Hanna, and Levy; all three advertisements appeared in the space of one column.[144] The same year even saw *Ivanhoe* and *The Talisman* being offered for sale to the Spanish citizens of the city in Spanish translation,[145] while *The Lay of the Last Minstrel* could be secured in a Russian edition.[146]

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[142] *Louisiana Advertiser*, May 9, 1826.
[143] *Louisiana Gazette*, May 16, 1826.
[144] *Louisiana Advertiser.*
[145] *Ibid.*, July 28, 1826, under the heading *Spanish Literature*, announces: "Ivanhoe, novela escrita en engles por el autor de Waverly y traducido al Castellano; El Talisman, cuento del Tiempo de las Cruzadas."
[146] *New Orleans Argus*, July 26, 1826.

Despite praise for the general excellence of his novels, the newspapers were not loath to express disapproval and disappointment when they felt it justified. Thus *The Argus* does not hesitate to print an uncomplimentary review of Scott's *Life of Napoleon* and decries his use of "metaphors and similes," and in general his style, which destroys the "dignity of historical discussion;"[147] the reviewer grants much blame and no praise. A later review in *L'Abeille*, is no more kindly disposed toward the work,[148] and devotes a column and a half of print to the proposition that "Scott, il faut le répéter, est un peintre, et n'est pas un historien."

In the next four years, advertisements and comments of the Scott novels are rare and quite scattered. *The Fair Maid of Perth*,[149] *The Religious Discourses*,[150] and *The Tales on Demonology and Witchcraft*,[151] received the usual stereotyped booksellers' notices and no critical review.

Interest in Scott, however, had not ceased, for his journeyings in search of health were followed by his interested New Orleans public. The editorial columns recount his travels whenever news was available: "Sir Walter Scott has concluded to spend the winter in Naples, for the benefit of his health . . . ."[152]

Several months later, when war was raging in Albania, the same paper interrupts its accounts of battle to insert the news that "Sir Walter Scott has left Malta for Naples."[153] During the last year of Scott's life we find no unusual amount of advertising or critical material. The *Louisiana Advertiser*[154] devoted a column to the printing of "A Highland Anecdote by Walter Scott," which they had taken from the *Keepsake* of 1832. A few weeks later the *Advertiser* announced the arrival of "Sir Walter Scott's last novel." The editor undoubtedly did not realize how prophetic his use of the expression "last novel" was; this article, a strange combination of advertisement and review, announced to the lovers of "polite literature":

> Sir Walter Scott's last novel has been received in this city, and may be had at the book stores of Messrs. Wm. McKean, and Hotchkiss and Co., Canal Street; Benj. Levy; corner

[147] *Ibid.*, April 11, 1827.
[148] *L'Abeille*, Oct. 20, 1827.
[149] *Louisiana Advertiser*, Aug. 7, 1828.
[150] *Ibid.*
[151] *Ibid.*, Jan. 1, 1831.
[152] *Ibid.*, Nov. 29, 1831.
[153] *Ibid.*, March 24, 1832.
[154] *Ibid.*, Jan. 12, 1832.

> of Chartres and Bienville; and E. Johns and Co. Chartres, and corner Camp and Common Streets. This last effort of the great magician of the North, comprises the fourth and last series of the "Tales of My Landlord," including "Count Robert of Paris" and "Castle Dangerous." They are spoken of as not being inferior to the former series in effect and striking incidents.[155]

The English section of *L'Abeille* contains the only other notices of Scott between this date and that which news of his death reached New Orleans. In the editorial column devoted to news from England and the continent this paper gives two extracts from English papers, both under the heading "Sir Walter Scott." The first comments:

> This distinguished character continued to sink gradually though not so rapidly as had at first been expected and is not supposed at all to last another fortnight, even though he should have no fresh attack.

On September 22, 1832, Sir Walter Scott died. His death created less excitement in the newspaper notices than might have been expected. Other cities of the South were more effusive in their expressions of grief; on receiving news of his death, the *Richmond Enquirer*, which early and late in the century had helped popularize the Scott novels, edged its columns in black.[156] *The Courier*, while less dramatic, was none the less sorrowfully eulogistic:

> Walter Scott is no more. The master spirit has vanished —the immortal soul at whose bidding so many other souls have been kindled and delighted, has "gone to the Presence." Who shall fill the place of the Northern Wizard—who shall now depict the feudal castle—the time worn turret—the feats of warrior knights—the conflicts of the tournaments—the battles against the infidels? Who shall wake the harp of St. Fillan, or paint the virtues and sufferings of Scottish life, from the high to the low?—His fame is now the property of the worlds —and it will be kept green for ages. Next to Burns, Scotland cannot boast the memory of a nobler poet; . . . .[157]

Posthumous praise such as this is quite in keeping with the accounts which both Landrum[158] and Orians[159] give of the effect

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[155] *Ibid.*, Feb. 20, 1832.
[156] David R. Randall, "Waverly in America." *Colophon*, I, 39, (New Series, Summer, 1935.).
[157] *Louisiana Courier*, Nov. 21, 1832.
[158] "Sir Walter Scott and His Literary Rivals," *loc. cit.*
[159] "The Romance Ferment after *Waverly*," *loc. cit.*

of the Scott novels on the tastes and longings of America. However, *L'Abeille,* leading organ for the expression of French thought and opinion expresses editorial regret, but ends its brief notice with a note that might be considered tactless. The short paragraph, in the issues of November 19, 1832, says:

> Sir Walter-Scott a payé sa dette à la nature le 22 septembre. Si le monde littéraire regrette en lui un inimitable peintre de moeurs, un génie rare et fécond. un écrivain du premier ordre, l'historie n'y perd rièn.

We can understand this unkind note if we remember how unfavorable had been the reception of Scott's *Life of Napoleon.*

One local poet honored the memory of Scott with a few lines of elegiac poetry, which under the title of "Lines Suggested on Reading the Death of Sir Walter Scott," appeared in the *Louisiana Advertiser.*[160]

The opening stanza:

> He hath gone to that bourne, and no more
> Will the light of his genius blaze;
> The sun in its glory has set,
> And we linger awhile in its rays,

implies what actually happened to the American literary scene—American literature for a decade or two after lingered in "the rays" of his genius and was imitative of Scott to a large degree. But the question of the influence of Scott on the literary production of the South does not concern us here.

The account of the advertisements and reviews summarized in the preceding paragraphs may seem too meager and ineffectual an argument to advance as proof of a preeminent vogue for Walter Scott among the reading public of New Orleans; we must, however, evaluate this proof in the light of certain facts.

Newspapers of the period from 1818 to 1832 contain an extremely limited number of critical reviews; of these the greater number, by an overwhelming majority, are devoted to discussions of Walter Scott novels, and other Scott material.

Book advertisements are of course much more numerous, but they too pay special attention to the works of Scott by alloting more space to them and by the use of bolder and darker type. True, dozens of types of literature, including classical works; musical

[160] Nov. 27, 1832.

treatises; books on medicine, theology and law; almanacs; the current literary reviews; are all advertised frequently and for long periods. But save for one special announcement of a Cooper[161] novel, and one of Byron's *Pelham,* no single book or author was considered worthy of special advertising copy and captions such as were devoted to announcements of Scott's literary productions. Other novels and literature appear under general headings such as *Newest Publication, English Books, London Publications;* the Scott novels, without exception, merit special captions which include either the author's name or the title of the book. With regard to their typographical form, they are easily recognizable at times on the newspaper page, since they usually appear in over-sized and specially bold type.[162]

Consequently, we can feel safe in assuming that the Walter Scott novels were bought rather extensively, read often, and discussed by large numbers of Orleanians. This reading public, composed of the middle and upper classes of the citizenry, undoubtedly formed a large portion of the theatre-goers of the day. It is in no way surprising then to find that the vogue of the Scott dramatizations in New Orleans paralleled and eventually surpassed the novels, as will be shown in the next chapter. A public which was avidly reading the accounts of his valorous heroes, his high-souled heroines, his warrior knights and feudal castles, would naturally patronize vigorous and dramatic representations of these types of character and scenery; certainly, theatrical managers in New Orleans learned the power of the name of Scott on announcements and play bills.

Other evidences[163] of the extent to which the vogue for the "master necromancer who set a whole generation of Englishmen and Americans dreaming and prating about the chivalries of a by-gone age"[164] demonstrated itself are too numerous and, perhaps, unimportant for this discussion.

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[161] Advertisement for *The Wept of Wish-Ton Wish,* in *Argus,* Dec. 14, 1820.

[162] Several advertisements, such as one for *Quentin Durward* in *Louisiana Gazette,* Aug. 13, 1823, occupy spaces of about one and a half column inches, with the titles printed in eighteen point bold upper case.

[163] The names of characters from the novels, the titles of the poems and novels themselves were in fashion as names for sailing vessels. The *Louisiana Gazette,* Feb. 14, 1832, announced the sailing of steamboat *Rob Roy,* and on April 4, 1824, the brig *Talisman.* From New Orleans to various ports went the steamer *Helen M'Gregor,* (*Courier,* April 11, 1826); the brig *Marmion,* (*Louisiana Advertiser,* July 3, 1825); the steamboats *Walter Scott* and *Lady of the Lake,* (*Louisiana Advertiser,* Jan. 6, 1832). Northern Louisiana boasts of several homes, built in the period of the 1820's and 1830's with names from Walter Scott fiction, such as *Melrose, Waverley.*

[164] Orians, "The Romance Ferment after *Waverley,*" *loc. cit.,* 409.

CHAPTER III

THE POPULARITY OF THE WALTER SCOTT DRAMATIZATIONS, 1820-1832

The popularity of the Waverley Novels, their variety of character, their romantic and strongly dramatic features, rendered them elegible and profitable subjects for stage presentation in New Orleans. The few initial experiments of Caldwell in 1820 and 1821 had been attended, as previously noted, with marked success.

Interested intensely in the social and commercial life of this river metropolis, Caldwell sensed more acutely, perhaps, than the elegant and less democratic John Davis, the changing spirit in the city. New Orleans was extending its reach from the narrow confines of the French section, up the river into the new streets of the Faubourg Ste. Marie; New Orleans was reading and discussing the exploits and heroics of Walter Scott heroes, heroines and country folk; Caldwell, with the sagacity that is commonplace to our theatrical and cinema producers of today, decided that what New Orleans read with such faithful consistency, New Orleans would patronize generously in dramatic form. A Scott vogue existed—he optimistically encouraged it.[165]

While by 1832, twenty-five Scott pieces, including poems and novels, had been dramatized, and were already popular on the boards of the English and Scottish theatres in numerous versions, the New Orleans public was not favored with witnessing all of these. Of the English dramatizations given, we have record of performances of a variety of versions of dramatizations of seven of the novels and two of the poems; at the French theatre, a considerable number of performances of Gallic versions of four of the novels and one poem. Three other plays whose Walter Scott ancestry is quite doubtful, were also performed at various times.

In discussing the popularity of each play, I have arranged them in alphabetical order, reserving, however, for later consideration the French versions performed at the Orleans Theatre, and the three doubtful plays.

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[165] The powerful influence of Caldwell on the theatrical tastes of the city was at first resented by the backers of the French theatre; the editors of the newspapers published many editorials adversely critical of such things as Caldwell's inclusion of "horse-operas" on his programs. *Louisiana Gazette*, March 19, 1831 (French section); the inferiority of the American Theatre to the French Theatre, *Louisiana Gazette*, Feb. 21, 1821 (French section); Caldwell's scale of admission prices, *Louisiana Gazette*, March 23, 29, 1821. Even at this early date, however, public opinion in favor of Caldwell retaliated editorially, for the *Louisiana Gazette*, March 8, 1821, prints a glowing letter in defence and praise of Caldwell's policies.

One unfortunate circumstance renders the study incomplete. The performances of the year 1822 must of necessity remain unrecorded, due to an inexplicable lack of theatrical advertisement and notices for that year. The files of two newspapers, are available in their entirety for that period, but only some six advertisements appear, and those not of Walter Scott dramatizations. Other lacunae of like nature but not for so lengthy a span appear in the beginning of 1828.

A. Guy Mannering

This adaptation, which so delighted Sir Walter Scott that he christened it the art of Terry-fying, and ever after referred to similar attempts as "Terry-fications," was first produced at Covent Garden, on March 12, 1815. It met with enormous success.[166]

Its popularity in New Orleans was not as remarkable as that of some of the other dramatizations. After its first production in 1820, which met with fair approval, it was not placed in the repertoire again until January 31, 1824, when Caldwell produced it at the New American Theatre,[167] with the following cast:

Colonel Mannering.....Mr. Ludlow
Henry Bertram.....Mr. Garner
Dominie Sampson.....Mr. Russell
Dandie Dinmont.....Mr. Dalton
Dirk Hatterack.....Mr. Page
Balie Muckelthrift.....Mr. Gray
Julia Mannering....Mrs. Rowe, *her first appearance this season*
Lucy Bertram.....Mrs. Russell
Meg Meriles .....Miss Placide

The newspapers of the subsequent few days offer no information regarding its reception.

Guy Mannering was not produced again until 1826, when the American Theatre presented "the admired Opera of Guy Mannering, or a Gipsey's Prophecy" on the evening of Wednesday, February 8,[168] with a cast that included Mr. Russell, Edwin Forrest,[169] Mr. Still, Mrs. Rowe, Mrs. Russell, and Jane Placide.

[166] White, *op. cit.*, 8-33. An article, "On the Dramas from the Waverley Novels," *Dublin University Magazine*, XXVII, (Jan.-June, 1851), 648, indicates that it "met with unbounded success and still continues in favor with the public."

[167] Begun in May, 1822, the American Theatre, built by Caldwell, was opened on Wednesday, May 14, 1823, with Reynold's *Dramatist* and the *Romp*. The advertisements appearing in the *Louisiana Gazette*, May 14, 1823, erroneously printed the date on the announcement as "May 16, 1823." Until the building of the St. Charles Theatre in 1835, this American theatre was known as "the finest playhouse west of the Alleghenies."—Coad and Mims, *op. cit.*, 143.

[168] *Louisiana Advertiser*, Feb. 8, 1826.

[169] Forrest, then but 20 years old, had opened his engagement in New Orleans on Feb. 4, 1826, in *Venice Preserved*.—(*Louisiana Advertiser*, Feb. 4, 1826.)

Within that year, the play was repeated on May 9, with the same cast.[170] It is interesting to note that Scott's identity as the author of Waverley is substantiated by the theatrical advertisements which invariable indicate *Guy Mannering* as "dramatized from Walter Scott's popular Novel of that name." Later such notice was considered unnecessary.

Guy Mannering appeared again during the season of 1827,[171] and strangely enough the management was undecided as to what type of dramatic presentation he should advertise since the announcement reads: "On Saturday evening, March 3'd, will be presented the admired comedy of Guy Mannering; Colonel Mannering, Mr. Kelsey; Meg Marrilies, Miss Placide."[172]

This is the only instance I find in which this "grand operatic play," or "grand melodramatic opera" is demoted to the ranks of comedy.

The one and only performance during the season 1828-1829[173] deserves notice because the Meg Merrilies of the evening was Mrs. Drake, one of the stars of the Western circuit, whom a local editorial referred to as "the first actress in the western country."[174]

During the following season only two performances of the play were given. On December 16, 1829, the *Argus* "respectfully informs" the public that the "distinguished vocalist, Mr. Howard" is to appear in the "opera of Guy Mannering" as Henry Bertram, on the date mentioned, and that in this character "he will introduce the following popular songs: 'Be mine, Dear Maid'; 'The Soldier's Bride'; 'Oft in the Stilly Night'; *as Sung by him 100 nights at the Chatham Theatre,* New York. The 'MacGregor's Gathering'; and the 'Echo Duet' with Julia Mannering."

Notices do not tell us who the Julia Mannering was, nor the name of the Meg Merrilies.

Howard sang Bertram again on February 16, 1830, with Miss Placide as Julia Mannering and Mr. Cowell as Dominie Sampson; the cast of this performance was billed as a "powerful cast."[175] Performances of the play were no more numerous during the sea-

[170] *Louisiana Advertiser*, May 9, 1826.

[171] Here, as elsewhere, I indicate the season by a single year title instead of the usual double identification such as "Season 1826-1827," since the season at the American Theatre invariably began in January and ran until May or June. When the season begins in December I shall indicate by the bi-annual notation.

[172] *New Orleans Argus*, March 3, 1827.

[173] Dec. 24, 1828.—*Louisiana Advertiser*.

[174] Editorial in *Louisiana Advertiser*, Dec. 20, 1828.

[175] *New Orleans Argus*, Feb. 16, 1830.

son 1830-1831, during which only two productions of *Guy Mannering* were given. The first was heralded by a brief editorial notice on the day of its performance: "The opera of Guy Mannering is to be played this evening, in which the Plumers will introduce some of their best songs."[176]

This reference to the introduction of "their best songs," and other references of a similar sort in subsequent advertisements, show to what extent freedom of choice was allowed in the selection of lyrics to be used in the Scott dramatizations.[177] The Henry and Lucy Bertram on this evening were Mr. and Mrs. Cramer Plumer; Jane Placide and Mr. Cowell played Meg Merrilies and Dominie Sampson.[178]

A single advertisement records another performance on May 20,[179] with Jane Placide again as Meg Merrilies, Mr. Pearman as Henry Bertram, and Mrs. Pearman as Julia Mannering.

When we compare this meager record of only eleven performances in the space of eleven years with the great number of productions of such a play as *Rob Roy*, we wonder why *Guy Mannering* was not true to its English reputation for popularity.

B. The Highland Widow

The *Highland Widow*, "taken from Walter Scott's celebrated novel 'The Chronicles of the Canongate' "[180] was first performed toward the close of the season 1830-1831. The *Louisiana Advertiser*[181] announces this first production, given as Caldwell's benefit, as follows:

Monday Evening, May 30

For the occasion has been in rehearsal and will be presented a new Drama called the

Highland Widow
or, The Woman of the Tree.

Hamish .....Mr. Raymond
Donald McLush.....Mr. Page
Elspat McTavish.....Miss Placide

[176] *Louisiana Advertiser*, March 8, 1831.
[177] Very few of the songs billed for the New Orleans presentations, are included in the lists of the original songs given in White.
[178] *Louisiana Advertiser*, March 8, 1831.
[179] *Ibid.*, May 20, 1831.
[180] *Ibid.*, May 28, 1831.
[181] *Ibid.*, May 30, 1831.

The same announcement gives us a slight idea of the elaborate aspects of this production which included a "Scotch Pas Seul by Mad. Edouard"[182] in the first act, and in the last scene, "a Military Execution."[183] We cannot help but wonder if the execution scene was made more realistic by the presence of such "supers" as a "company of United States Troops," which device Caldwell had called upon on other occasions.[184]

In the case of this production we are led again to claim a "first American performance" for New Orleans, and perhaps a world premiere. Odell lists no performance prior to this 1831 date, and White, whose study of the stage versions of the Scott novels is the only comprehensive work to date, does not include this title in his listing or discussion.

White's only reference to a play of this name is brief and inconsequential. *"Douglas the Piper;* or, *The Highland Widow,* drawn from one of the short narratives of Scott, ran for nine nights in Edinburgh in 1836, with a successful revival in 1852."[185] He makes no further comment, and in his list of plays appended to the textual discussion, states that he has neither read nor heard of an existing printed copy of the version he mentions.

In January of the next year,[186] Caldwell staged the *Highland Widow* with Jane Placide again as Elspat McTavish. The French section of *L'Abeille,* which for the entire month of January, 1832, had been carrying fairly complete announcements of the American Theatre, announces the play as "drame nouveau",[187] and specifies its Walter Scott origin. Mr. Caldwell must have realized that no matter how minor a literary piece the play was, its author's name had a power to draw audiences.

C. The Lady of the Lake

The *Lady of the Lake,* whose varied texts include a variety of adaptations from an early Mexican version to a twentieth century cantata form by Max Bruch, was first produced as a straight dramatic play by Dibdin in 1810. A musical version with music by Henry Bishop was in existence by 1811,[188] but accepting the

[182] *Ibid.,* May 3, 1831.
[183] *Ibid.*
[184] *Ibid.,* March 17, 1826.
[185] White, *op. cit.,* 192.
[186] *Louisiana Advertiser,* Jan. 14, 1832.
[187] *L'Abeille,* Jan. 14, 1832 (French section).
[188] White, *op. cit.,* 248.

authority of the newspaper announcements, the ten performances of the *Lady of the Lake* presented in New Orleans must have been the Dibdin version of the poem; all advertise it as a "melodrama" or "melodramatic spectacle," with no mention of songs, "duetts," or musical accompaniment. One performance in 1830, perhaps, was more a musical spectacle than a dramatic one, due to circumstances which will be discussed.

The first and second performances of the *Lady of the Lake* have already been commented on.[189]

The next playing occured in February 24, 1823; the American Theatre, still housed in the Orleans Street playhouse, presented "The Lady of the Lake, dramatized from Walter Scott's popular poem of that name,"[190] with Caldwell as Fitz James, Noah Ludlow as Roderick Dhu, Miss Seymour as Ellen Douglas, and Miss Placide as Blanche of Devon.

A year later, when the American theatre was comfortably established in its own playhouse on Camp Street,[191] Caldwell presented the *Lady of the Lake* twice, on April 3 and 22, 1824;[192] in both instances the cast included: Fitz James, Mr. Caldwell; Roderick Dhu, Mr. Ludlow; Ellen Douglas, Mrs. Rowe; Blanche of Devon, Miss Placide.

This melodrama did not appear on the boards of the American Theatre again until 1830 when the *Argus* announced for March 30, "the Romance of the *Lady of the Lake*" with Mr. Howard as Allan Bane, and with Madame Feron in the cast. Taking into consideration the two stars of the evening's performance, we must conclude that this performance was a musical version.

Howard, from the Theatre Royal in Brighton, had made his New York debut as Bertram in a musical setting of *Guy Mannering*, in 1816, and his subsequent career was that of "chief male singing roles in stock."[193] Madame Féron, a favorite pupil of Rossini,[194] had been previously announced as a great diva from "La Scala at Milan; Italian Opera at Paris; Drury Lane, London;"[195] various editorials of high commendation refer to her as a singer, not as an

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[189] Chapter II, Section C, of this thesis.

[190] *Louisiana Gazette.*

[191] While the Camp Street Theatre had opened on May 14, 1823, it was not fully equipped until the beginning of 1824.—(*Louisiana Gazette.* Dec. 27, 1823.)

[192] *Louisiana Gazette,* issues of dates mentioned.

[193] Odell, *op. cit.,* II, 518.

[194] Coad and Mims, *op. cit.,* 147.

[195] *The Argus,* Feb. 20, 1830 (Eng. sect.).

actress.[196] The performance consequently must have been musical; we might even suppose that Madame Féron introduced some Rossini music, since in 1819 Rossini had written an Italian version, *La Donna Del Lago*, which had been produced in London in 1823.[197]

Another performance, whose cast is unknown, was advertised in both the *Louisiana Advertiser*, and the *Argus*, for April 13, 1830. Both announce that it is being produced "by desire." A study of the advertisements of the day show that this simple phrase had great significance; it is equivalent to our term "by popular demand," and is prefixed to few plays except Walter Scott dramatizations.[198]

Two performances in 1831, one on February 24[199] and the other on March 7,[200] presented Mr. Scott as Roderick Dhu, Mr. Raymond as Fitz James, Mrs. Rowe as Ellen Douglas, and Miss Placide as Blanche of Devon. The February performance was varied by dancing "during the piece, by Madame Edouard."[201]

Of the tenth performance of the *Lady of the Lake* at the American Theatre we have only a meager record and that taken from the French section of *L'Abeille*, since during the first month of 1832 the only advertisements for Caldwell's Camp Street playhouse appear in this paper and in French.

L'Abeille, of January 2, 1832, announces for that evening "La Dame du Lac, Opéra."

This was not the French version whose production in French at the Orleans Theatre in 1829 will be discussed later.

Ten performances do not constitute a vogue; but the *Lady of the Lake* was by no means the only Scott dramatization on the boards at the time. Furthermore, it had not been particularly popular in other cities, including New York.

D. Marmion

The poem, *Marmion*, had aroused the interest of the French citizenry as early as 1817. A project to publish "*A Translation* in-

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[196] *Ibid.*, March 3, 5, April 12, 15, 1830.
[197] White, *op. cit.*, 240.
[198] A few plays of "national character," such as *She Would Be a Soldier*, the *Eighth of January*, and a few "super" melodramas, such as *George Barnwell*, *The Falls of Clyde*, *The Mountaineers*, and *The Forest of Rosenwald* are mentioned as being played "by desire."
[199] *Louisiana Advertiser*, Feb. 24, 1831.
[200] *Ibid.*, March 7, 1831.
[201] *Ibid.*, Feb. 24, 1831.

to French verse, of the Marmion of Scott, with an original epistle to the author, Descriptive of the Scenery of Louisiana," was commenced by Jules Devezac, "late President of the College of Orleans."[202] This attempt, despite its failure,[203] shows a live interest in the poem.

The dramatic version, however, did not reach New Orleans, until 1824, though it had "commanded an extraordinary success," when brought out in New York in 1812.[204] Dramatized first by James N. Barker at the time of America's break with England, it departed from the Scott play considerably, in its latter scenes "became in a sense an expression of the intense national resentment against the imprisonment of our seamen, the Orders of Council, and the insolence and studied neglect of our remonstrances on the part of the British Government."[205]

Perhaps this very nationalistic element prevented Caldwell from presenting it sooner in New Orleans. While Andrew Jackson was a local "demi-god," and while resentment against the British was certainly not evident enough to cause fear of disfavor, Caldwell was a careful director; his audience contained a goodly portion of English and Anglo-American patrons. He staged *Marmion* only after a decided request from his public.

At the end of the usual theatrical announcements for April 2 and 3, 1824, Caldwell printed this statement:

> The Manager begs leave to announce to his anonymous correspondents, that the play of *Marmion*, (taken from Walter Scott's poem of that name) shall, in compliance with their request, be immediately brought forward.[206]

Then, with a rapidity that is proof of his sincerity and good will toward his patrons, he presented on the evening of April 5, 1824, "Barker's celebrated and admired drama in 5 acts, of Marmion; or, The Battle of Flodden Field, (Taken from Walter Scott's poem of that name.)"[207] The newspaper of that date gives a fairly complete cast:

Marmion	Mr. Caldwell
King James	Ludlow
De Wilton	E. Forrest
Fitz Eustace	Garner

[202] *L'Ami des Lois*, March 4, 1817 (French section).
[203] In the *Courier* for Aug. 18, 1820, Devezac offers to refund subscription received.
[204] Quinn, *op. cit.*, 140.
[205] *Ibid.*, 142.
[206] *Louisiana Gazette*, April 2, 3, 1824.
[207] *Ibid.*, April 5, 1824.

Constance	Miss Placide
Clara	Mrs. Baker
Lady Heron	Mrs. Rowe
Jeannette	Mrs. Russell

In the course of the play, the two songs, "Where shall the Lover Rest," sung by Mr. Garner, and "Young Lochinvar," sung by Mrs. Rowe, were performed. No account of the reception of this "request" performance can be found; the play could not have met with extreme approval, for it was not repeated until 1826.

The one production of *Marmion*, in 1826, on May 15, was billed with Caldwell as Marmion and Mrs. Higgins as the Abbess.[208] Why the advertisement should stress the role of the Abbess is not explainable, since Mrs. Higgins was not important enough to have even merited mention in any of the theatrical histories covering this period.

E. Rob Roy

"What claims has *Rob Roy* as a drama? The musical version by Pocock and Davy saved the Royal Theatre of Edinburgh from bankruptcy, awakened the embers of enthusiasm for drama in Scotland, brought Mackay to the zenith of his fame as a comic actor, and drew forth hearty praise from Scott himself."[209]

The history of the Pocock version of *Rob Roy* in the British Isles is more brilliant than that of any other Scott dramatization. Opening at Covent Garden on March 18, 1818, it had an unprecedented run of thirty-two nights,[210] and after its initial appearance in Edinburgh, on February 15, 1819, "ran for forty-one nights without intermission."[211]

A Royal "Command performance," numberless revivals, operatic versions in France and America, several travesties, all enter into the long life of this Waverly dramatization. A more detailed discussion of its success in the British Isles and in the Eastern theatres of America, is neither necessary nor possible here. Of all the Scott dramatizations, it was produced more elaborately and more frequently than any other in New Orleans.[212]

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[208] *Louisiana Advertiser*, May 15, 1826.

[209] White, *op. cit.*, 33.

[210] *Ibid.*, 34.

[211] "On the Dramas from the Waverley Novels," *loc. cit.*, XXVII, 648. The author of this article gives this further information regarding the play's unusual popularity: "The play of Rob Roy to this date (1851) has been acted in Edinburgh nearly 400 times; and in the provincial theatres of Scottand, more than 1000. I remember the 500th representation announced in a play-bill of Ryder's at Perth, dated as far back as 1829."

[212] I have found evidence of 30 performances from 1823 to 1832. Many more productions may have been given since practically no information concerning the year 1822 is available.

On January 20, 1823, the *Louisiana Gazette* informed the public that the American Theatre on Orleans Street had "in preparation, Rob Roy McGregor," and announcements for the next five days are identical. Then on Monday Evening, February 10, 1824,[213] "Pocock's admired musical drama, founded on Walter Scott's popular novel of Rob Roy, called Rob Roy McGregor; or, Auld Lang Syne" was presented. Caldwell played the title role, Miss Placide was the Diana Vernon. Mrs. Baker appeared as Helen McGregor, and Miss Seymour as Jean M'Alpine.[214] Garner appeared as Frank Osbaldistone and Mr. F. — , as Rashleigh.[215] Neither the advertisements, nor the lengthy criticism which followed the play, announce the name of the actor who played the role of Bailie Nicol Jarvie.

Was this the play's first performance in New Orleans? The absence of theatrical news in the papers for 1822 prevents an absolute statement, but the tone of the critical review which the play merited, and the statement that "a repetition of the drama would be well received,[216] justify an affirmative answer.

This review, like most of the critical comments of the period, devoted itself to a consideration of the merits of the performers rather than to an evaluation of the play itself. With the exception of Caldwell, Garner and Miss Placide, the performers were subjected to severe and unstinted criticism:

> The part of Rob Roy was sustained by Mr. J. Caldwell, to the general satisfaction of the audience—as usual he was more appropriately, and, of course, better dressed than most of his followers. He, very judiciously, made no attempt at the peculiarities of the Scotch dialect, or *brogue*, which Messrs. Benton, Gray, and others, gave in a manner *la plus outrée*, as we were assured by several Scotch gentlemen present. Rashleigh, by Mr. F., was defective; not that this actor is too tame or cold, but he often speaks ungramatically, and places the emphasis on the wrong word and the wrong syllable. . . . Mr. Garner played Frank Osbaldistone (the last word proved a great stumbling stone to most of the tongues on Monday night.) We have already noticed the sweetness of Mr. G's tones. . . . The part of *Owen we* thought caricatured; particularly where he was made to cry. The Baillie was not more fortunate in his representative, who had no one point of resemblance with the "Great Unknown's." The Diana of Miss

[213] *Louisiana Gazette* for date mentioned.
[214] *Ibid.*
[215] The editorial in the *Louisiana Gazette*, Feb. 12, 1823, from which the last two names are taken, merely indicates Rashleigh as being played by "Mr. F."
[216] *Louisiana Gazette*, Feb. 12, 1823.

> Placide surpassed expectation, yet from this actress much is expected. Whilst praising her, we must still doubt whether young ladies went with such bare necks in the time of the pretender. Helen McGregor was attempted by Mrs. Baker; but neither her walk or speech had any resemblance to the high-minded, overbearing, indignant Helen.[217]

The house for this performance was good, "an audience of about 700 people," and opinions as to the merits of the production must have been divided, since the reviewer claims that "rant and false emphasis are lauded by some and execrated by others;" spectators at the American Theatre, he claimed, differed "widely in feelings and ideas."[218]

But while the local critic frowned on the poor quality of acting and grievous "curtailment of the songs," which he hoped would not "take place again before so good a house," he expressed a desire for a repetition of *Rob Roy*.[219]

A discussion of the talents of Miss Placide, whose name became identified with several Walter Scott heroines in New Orleans, is reserved for a later chapter.[220] Gardner, the only other participant in this first performance who merited the reviewer's praise, is only referred to in passing by theatrical historians; Odell[221] says that he found his place "largely in singing parts."

Within the month, on February 20, 1823,[222] Caldwell fulfilled the wish of the somewhat unamible critic and repeated *Rob Roy*, with the same cast as the previous performance. Even in New York, where adaptations of the Waverley Novels had been well received, more than eight months had elapsed between its first and second productions.[223]

Whether the third production of the play in the year 1823 was a matter of popular choice, or one of necessity, cannot be decided. On March 3, Master Smith was to have appeared at the American Theatre, but due to an indisposition, the youthful actor could not perform. In lieu of his appearance, Caldwell announced a third presentation of "the melodramatic play of Rob Roy McGregor."[224] The popularity of the play in subsequent seasons

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[217] *Ibid.*
[218] *Ibid.*
[219] *Ibid.*
[220] Chapter IV.
[221] *Op. cit.*, II, 519.
[222] *Louisiana Gazette*, date mentioned.
[223] Odell, *op. cit.*, II, 465, 527, 533.
[224] *Louisiana Gazette*, March 3, 1823.

prompts the inference that Caldwell believed it would easily palliate the disappointment of his audience at the non-appearance of Master Smith.

The season 1823 might have witnessed other repetitions of the Pocock drama, had it not been for the lengthy engagement of Cooper,[225] whose repertoire consisted mainly of romantic dramas and Shakespearean plays.[226]

The following season, the American Theatre opened on January 1st, with Morton's comedy, *Town and Country*,[227] and the first few nights saw a varied program of old favorites, such as *The School of Reform*,[228] *Rule a Wife and Have a Wife*,[229] and *Heir at Law*.[230] But on January 13, 1824, the *Louisiana Gazette* announced that on "Wednesday 14th January 1824, will be presented the Grand Operatical play of *Rob Roy*, or Auld Lang Sine."

The following morning the editorial column carried a brief but significant notice concerning the American Theatre, significant because it argues definitely for the box-office value of *Rob Roy*: "I am glad to see that he (Caldwell) is varying his business and is giving us an opera . . . Rob Roy is in itself a little fortune."[231]

On the day of the performance the same paper[232] carried a fairly complete cast and list of songs:

Rob Roy ..... Mr. Caldwell
Capt. Thornton ..... Ludlow
Frank Osbaldistone ..... Garner
Bailie Nicol Jarvie ..... Page

(His second appearance)

Helen M'Gregor ..... Mrs. Baker
Diana Vernon ..... Miss Placide

Song—My love is like the red rose..... Mr. Garner
Duett—Through you leave me how in sorrow.....
..... Miss Placide and Mr. Garner
Song—Loudens bonny woods and braes..... Miss Placide

[225] March 21 to April 11, 1823. Dates from *Louisiana Gazette*.
[226] *Venice Preserved, Damon and Pythias, Virginius, King John, Othello, Macbeth, Julius Caesar*.
[227] *Louisiana Gazette*, Dec. 31, 1823.
[228] *Ibid.*, Jan. 4, 1823.
[229] *Ibid.*, Jan. 5, 1824.
[230] *Ibid.*, Jan. 10, 1824.
[231] *Ibid.*, Jan. 14, 1824.
[232] *Ibid.*, Jan. 13, 1824.

Song—Should auld acquaintance be forgot.....
.....Mr. Garner and chorus
Roy's wife of Aldivallah.....Mr. Garner
Song—Oh, life is like a Summer flower.....Mr. Garner
Duett—We part to meet no more.....
.....Miss Placide and Mr. Garner.
Finale—Pardon now the bold outlaw.

The text used by Caldwell was the Pocock version with music by John Davy; three of the songs advertised are listed by White as part of the Davy music for the original English performances.[233] Of the performers very little is to be learned either from theatrical history accounts or from local papers; Garner later sang Osbaldistone at Chatham Garden in New York, (August 27, 1825,) where he was billed as a singer from "the New Orleans Theatre."[234] Page, who played the Bailie, appears in book and journalistic reports of the theatre only as a name.

The patrons of the American Theatre were not reluctant or tardy in expressing their wishes to the manager. *Rob Roy* had pleased them and *Rob Roy* must be repeated. Directly beneath the theatre's announcement of January 18, 1824, for the evening's performance of *Virginius,* Caldwell adds the following note: "The splendid operatical play of *Rob Roy* which was received with universal approbation will shortly be repeated."[235] Such a notice might arouse suspicion and be discountenanced as a device intended to increase public interest, were it not confirmed by two editorial communications which warrant its honesty.

Two days later, an article in praise of Caldwell's company and their work, ends on this note: "We understand that *Rob Roy,* that great favorite of the public, is at the request of many of our most respectable citizens, to be repeated on an evening not far distant."[236]

Caldwell, however, was not too attentive to the demands of his public—during the next few days he produced in quick succession, *Hamlet,*[237] *Julius Caesar,*[238] and *Damon and Pythias,*[239] each with a farce as an after-piece. But popular desire was not to be circumvented, even by performances of plays that were well-known and liked.

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[233] White, *op. cit.*, 41.
[234] Odell, *op. cit.*, III, 163, 201.
[235] *Louisiana Gazette,* Jan. 17, 1824.
[236] *Ibid.*, Jan. 19, 1824.
[237] *Ibid.*
[238] *Ibid.*, Jan. 21, 1824.
[239] Ibid., Jan. 23, 1824.

A communication signed "Viator," and emanating undoubtedly from a visiting American, politely but insistently requested a repetition of *Rob Roy*:

> I believe the manager (of the American theatre) would find it to his advantage to vary our amusements, and to take Tragedy, and Comedy, Opera and Farce in their turn. If it does not interfere with the affairs of his Theatre, I think he would find his account in giving a favorite piece, *"Rob Roy,"* on Saturday Evening. Many persons from the Western country will be obliged to depart on Sunday morning, and I feel assured that they would to a man, be visitors to the theatre on Saturday, if they had Rob Roy, or a piece of equal merit.[240]

Such a communication is most unusual.[241] Following as it does the editorial indication of a desire on the part of the city's "most respectable citizens," it must be accepted as the expression of the public mind, rather than as the voicing of a visitor's passing whim.

Caldwell's response was immediate—the *Gazette* announced a second presentation of *Rob Roy* for January 25, 1824.[242]

The morning of the performance Caldwell announced in his advertisement that this was to be "the only time 'Rob Roy' can be played this season." But theatrical producers were subject then as now to the insistence of popular demand, and *Rob Roy* was to be given four more performances before the American Theatre closed in May, 1824.

The cast of the second 1824 presentation was the same as that of the first, as were the songs and "duetts."

The *Louisiana Gazette*, which had certainly not been unstinted in its expression of favor at the previous performances, reviewed this playing with almost unmitigated praise:[243]

> On Saturday, the popular piece of Rob Roy, represented for the second time this season, drew a crowded and respectable audience; the piece, as is generally the case, was even more ably sustained than the first representation; in fact, nothing could go off better. Mr. Caldwell could not be surpassed in the character of Rob Roy, to which he gave every possible interest. Miss Placide's Diana, was inimitable; indeed, this actress gives evening after evening, fresh proofs

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[240] *Ibid.*
[241] I have found no other communications of like nature in the files of the five New Orleans newspapers consulted.
[242] *Louisiana Gazette*, Jan. 24, 1824.
[243] Jan. 26, 1824.

> of her improvement in every department of the drama; her songs were last night sung with much taste and sweetness, and her acting evinced, throughout, great judgment. . . . . Frank gave a good opportunity to Garner, of putting forth his best talents, and he sung his songs with much taste and judgment . . . . Ludlow's Captain Thornton received from him that respectability which he gives to all the characters assigned to him. . . .

What of the Nicol Jarvie of this occasion? In his delineation of the characters of *Rob Roy*, White[244] says "Jarvie is somewhat exaggerated," and a "bundle of contradictions and humors." Undoubtedly a difficult characterization to achieve, Bailie Nicol Jarvie had nevertheless won fame for John Liston and Charles MacKay.[245] Naturally, the role would prove a stumbling block to the actors of the repertory companies of the Western Circuit. But Page's performance as Jarvie must have been at least pleasing, for he merits this comment: "Page's Baillie Jarvie has a good deal of merit in it, and he seldom appealed to the audience, without obtaining some good humored applause in return."[246]

Even the Helen McGregor of Mrs. Baker, which a year previously had been treated with unkind harshness, earned a tribute from the editor's pen.[247]

Less than two weeks after this highly praised performance, the *Gazette* announced "that positively for the last time this season on Saturday, February 7, will be presented the popular operatical play of Rob Roy or Auld Lang Syne."[248] The cast and songs were the same as those announced for the two preceding performances. But despite the positive claims of a last performance for the season, Caldwell was prevailed upon to give two more presentations of the play that year.

On March 12, 1824, the *Gazette* informs us that the "admired Melo Drama," founded on Walter Scott's celebrated novel of that name, called Rob Roy MacGregor will be performed that evening. The heading *"Last Night of Rob Roy,"* and the familiar "Positively for the last time," again carry the threat of a final rendition for the season.

But *Rob Roy*, "essentially a drama of loyalties,"[249] must have made a strong appeal to the patriotic feelings of the American cit-

[244] White, *op. cit.*, 40.
[245] *Ibid.*
[246] *Louisiana Gazette*, Jan. 26, 1824.
[247] *Ibid.*
[248] *Ibid.*, Feb. 7, 1824.
[249] White, *op. cit.*, 40.

izens of New Orleans. "By particular request"[250] Caldwell was obliged to present the play again on April 19.

Caldwell changed the allotment of parts for this night, assigning Diana to Mrs. Rowe, and presenting Jane Placide as Helen McGregor, which part she then played for the "first time;" in subsequent years this was to be her special role, except when a visiting performer of rare talent graced the part.

Late in May, when the current season was drawing rapidly to a close, and Forrest was completing his first New Orleans engagement, *Rob Roy* was again presented. With Caldwell as Rob Roy, Jane Placide as Helen, and Mrs. Rowe as Diana, this last Scott dramatization to be seen that season sought public approval as a "benefit for the Carpenters, Call man, Bill Paster, Capt. of Supernumeraries, Door Keepers, and Engineers of Gas Department,"[251] on May 28, 1824.[252]

Existing records of the year 1825 give no evidence of *Rob Roy* having been performed during that season, but theatrical advertisements in the newspapers, for some inexplicable reason, are few and quite brief. Following upon a season in which *Rob Roy* had proved its popularity, the season of 1825 must have seen a number of presentations of the play.

The 1826 season had been under way scarcely a month when the American Theatre "respectfully informed" the public that "Mr. Still, from the Philadelphia and Baltimore Theatres, has arrived in this city and will make his appearance this evening, in Sir Walter Scott's highly popular Operatic Play of Rob Roy McGregor."[253]

Still played Frank Osbaldistone, and the cast included Caldwell as Rob Roy, Miss Placide as Helen, Mrs. Rowe as Diana, and another newcomer, Russell, as Bailie Nicol Jarvie. Russell is also billed as "from the Philadelphia and Baltimore Theatres."[254]

Still, who received the lion's share of publicity in the announcement, had seen a variety of experience previous to his New Orleans engagement. Audiences at New York's Richmond Hill Garden had known him as a singing star as early as May, 1822,[255]

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[250] *Louisiana Gazette*, April 19, 1824.

[251] The American Theatre on Camp Street was the first theatre in America to be illuminated with gas. It was equipped for gas lighting in December, 1823.—*Louisiana Gazette*, Dec. 27, 1823.

[252] *Louisiana Gazette*, May 27, 1824.

[253] *Ibid.*

[254] *Ibid.*

[255] Odell, *op. cit.*, III, 43.

and later that year he appeared at the Warren St. Theatre in acting roles.[256] To Still, went the only critical review of the performance.

The *Gazette*, on the following Monday, ran this notice:

> On Saturday Evening, Mr. Still made his debut in the character of Frank Osbaldistone, in the popular operatic play of Rob Roy; and was exceedingly well received by a genteel and respectable audience. He possesses a sweet voice, good taste and is a far better actor than we generally see in the first department of opera.[257]

His acting experience in New York had not been unavailing; later Still formed part of the acting personnel of Ludlow's company, which experimented with a varied season at the Chatham Theatre in New York, in 1828-1829.[258]

Russell, whose Nicol Jarvie merited the advance notice of an inconsequential bracketed remark, "(His first appearance in this city,)"[259] deserves some notice because of his early connection with the New Orleans theatre. He had been stage manager and player of "low comedy roles" for Caldwell from the first New Orleans season until 1825, when he departed for the theatres of Philadelphia and Baltimore. Then we find him back again under the Caldwell managership during the years, 1826 and 1827,[260] together with his wife and daughter.

His subsequent history is equally varied; in 1828, billed as actors "of the American Theatre, New Orleans," the Russells played at the Park Theatre in New York, where they were rated as highly "respectable players."[261] Then in 1831 the Bowery, rival theatre of the Park, witnessed his Bailie Nicol Jarvie on September 16th.[262]

On February 25, 1826,[263] Caldwell repeated *Rob Roy*, his cast including on this date, Edwin Forrest as Rashleigh;[264] the other roles were acted by the players of the previous performance. The third performance of this "popular operatic play" took place on March 14, 1826, with a repetition of the previous cast.[265]

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[256] *Ibid.*, III, 33.
[257] *Louisiana Gazette*, Feb. 6, 1826.
[258] Odell, *op. cit.*, II, 415.
[259] *Louisiana Gazette*, Feb. 6, 1826.
[260] Ludlow, *op. cit.*, 215, 228-236, 245, 249-253.
[261] Odell, *op. cit.*, III, 395.
[262] *Ibid.*, III, 563.
[263] *Louisiana Advertiser*, Feb. 25, 1826.
[264] A few months later, on Nov. 6, 1826, Forrest was to make his debut at the Bowery Theatre, New York, in the role of Othello, and commence a brilliant career as tragedian.—Hornblow, *op. cit.*, II, 31.
[265] *Louisiana Advertiser*, March 14, 1826.

The "grand Melo-Dramatic Opera of Rob Roy M'Gregor" claimed the attention of New Orleans audiences once again during the season, on May 16, 1826, with Marks as the Bailie, and a repetition of previous casts.[266] Marks, who receives no mention from either Ludlow or Hornblow, had appeared in New York at Vauxhall Gardens in 1824, playing low comedy roles in farces.[267]

A glance at the check list of plays[268] produced during this full season will show the variety of programs offered and the large number of new pieces and novelties that Caldwell introduced to New Orleans. Pantomimes, such as *Don Juan*,[269] operatic spectacles such as *Forty Thieves*,[270] and *Cherry and Fair Star*,[271] and novelties like the English version of Molière's *Tartuffe*,[272] occupied the attention of the American Theatre; but even with such competition, four performances of *Rob Roy* is a comparatively good record for that popular melodrama.[273]

The only indication of attendance at the *Rob Roy* performances can be gathered from an article on attendance in general at the American Theatre, which states:

> We take pleasure in stating that the American Theatre, for a successive number of nights past has been attended by crowded and highly respectable audiences.[274]

Of the two performances in 1827, one on February 6th[275] and the other, on March 29,[276] little need be said, except a comment in passing on the Helen of the latter date, Mrs. Tatnall. First appearing in the annals of the American theatre in 1822, as a spectacular circus rider in New York, she later graduated, in 1823, to melodramatic equestrian spectacles. Then in October, 1823, she appeared opposite Cooper in *Coriolanus*, on which occasion her characterization of Volumnia was favorably commented on. Just before her appearance in New Orleans, she was back again in equestrian melodramas at New York's Lafayette Amphitheatre.[277] We cannot help wonder how her "fine figure and good face"[278] pleased the New Orleans public.

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[266] *Ibid.*, May 16, 1826.
[267] Odell, *op. cit.*, III, 117.
[268] Appendix A.
[269] Three performances.
[270] Two performances.
[271] Eight performances.
[272] Five performances.
[273] *Rob Roy's* rivals for popularity were, for the most part, novelties.
[274] *Louisiana Advertiser*, March 22, 1826.
[275] *New Orleans Argus*, Feb. 6, 1827.
[276] *Ibid.*, March 20, 1827.
[277] Odell, *op. cit.*, III, 42, 61, 83, 94, 109, 213.
[278] *Ibid.*, III, 94.

The 1828-1829 season, which commenced in December, 1828, was favored with a number of brilliant and famous performers in the various roles of this melodrama. The names of Mrs. Drake, Mrs. Knight, Mr. Howard, and Mr. Holland, appear in this array of favorite actors. They will be commented on individually later in this paper.

December 27, 1829, less than two weeks after the opening of the season,[279] *Rob Roy* was played with Caldwell, Clarke, Still, Mrs. Drake, and Mrs. Lacombe as Rob Roy, Owen, Francis, Helen, and Diana, respectively; "during the Opera a variety of SONGS, DUETS, etc.," were sung. Mrs. Lacombe, who seems to have appeared in New Orleans only for this season, came from several years playing and singing at Chatham Garden and Vauxhall Gardens in New York.[280]

The next production of the season was a gala one, calling forth a precursory press comment and a most elaborate advertisement. And with justification; theatrical press agents of the twentieth century would have billed it as an "all star" attraction.

Caldwell was not remiss in posting this unusual attraction. Under a bold heading which reads "American Theatre — Mrs. Knight and Mr. Holland—again on the same evening," all in heavy capitals of ten point type, the *Louisiana Advertiser*[281] announces:

> The general satisfaction elicited by the appearance together of the above distinguished performers from a delighted numerous audience, has induced the Manager to make another arrangement with them to the same end.
>
> Saturday Evening, Feb. 7th, 1829 will be acted the popular Melodramatic opera
>
> of
>
> ROB ROY
>
> Rob Roy McGregor Campbell .....Mr. Caldwell
> Baillie Nicol Jarvie.....Mr. Holland
> Helen McGregor .....Mrs. Rowe
> Diana Vernon .....Mrs. Knight

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[279] The *Louisiana Advertiser*, Dec. 9, 1828, announces the opening of December 15th, and that the company is to be "composed of the following ladies and gentlemen: Messdames Entwistle, LaCombe, Drake, Edsrom, Higgins, Kenny, Rowe, Petrie, S. Smith, L. Smith, Messrs. Anderson, Barry, Caldwell, Clarke, Crooke, Carr, Fenon, Gray, Morton, McCafferty, Pierson, S. Smith, L. Smith, Still, Tatem, William."

[280] Odell, *op. cit.*, III, 203, 229, 278, 371.

[281] Feb. 7, 1829.

In the course of the play Mrs. Knight introduced a group of songs which were heard as part of the *Rob Roy* music for the first time in New Orleans; they are not part of the original Davy music. She introduced the "following popular SONGS, *'Draw the sword Scotland,' 'Charlie take me home love;'* arranged to the popular air of 'Wha'll be King but Charlie,' *'March, March, Etrick and Tevotdale,' 'All the blue Bonnets are over the Border.'* "[282]

Even the *Louisiana Courier*, which during this season had been unusually taciturn regarding performances at the American Theatre, voiced opinion of satisfaction and praise the morning of performance:

> Tonight there must be an overflowing house at the Camp Street (American Theatre.) So much entertainment can rarely be afforded in one evening. M. Holland's Bailey Nicol Jarvie; and the numerous songs by Mrs. Knight must be attractive.[283]

Rob Roy was not played again until the early part of the season 1829-1830, when on the evening of December 18, 1829, Mr. Howard in the role of Francis Osbaldistone sang, in addition to "the original music"[284] two new songs: "My Bonnie lass now turns to me;' 'McLeans invitation to Charlie.' "[285] According to announcements Caldwell again played the title role, and Jane Placide had gone back to her old part of Diana.

In February, 1830, Madame Féron, of "the Grand Theatre San Carloss, at Naples; La Scala at Milan; Italian Opera at Paris; Drury Lane, London; and Park Theatre, New York;"[286] arrived for an engagement in New Orleans; at the same time the diligent Caldwell had secured the services of a *Corps de Ballet*, to the delight of the editor of the *Argus*, who comments on the two engagements with a brisk: "Really Mr. Caldwell is most indefatigable in his efforts to please, . . . "[287]

Caldwell used his two attractions to advantage, and his announcement of *Rob Roy* for March 10, 1830,[288] deserves special notice, not only as Walter Scott material but because it records the use of a *Corps de Ballet* as an intimate adjunct to the action and scene of operatic performance, a practice that later in the century was common to operatic production.

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[282] *Louisiana Advertiser*, Feb. 7, 1829.
[283] *Louisiana Courier*, Feb. 7, 1829.
[284] *New Orleans Argus*, Dec. 18, 1829.
[285] *Ibid.*
[286] *Ibid.*, Feb. 20, 1830.
[287] *Ibid.*
[288] *Ibid.*, March 10, 1830.

The above mentioned advertisement reads:

> The management wishing to gratify the desire of many persons who are anxious to witness the representations of an *Opera* and *Ballet* on the same evening, has the honor to announce to the public, that *Madame Feron, Benoni,* Mr. and Mrs. *Feltman,* and *Virginia Benoni,* will appear
>
> This Evening March 10, 1830
>
> When will be presented, the grand romantic operatic play of
>
> Rob Roy
>
> Rob Roy MacGregor Campbell.....Mr. Caldwell
> Francis Osbaldistone .....Mr. Howard
> with a variety of songs,
> Diana Vernon .....Madame Feron
> with an Italian cavatine
> by Rossini, "Di piacer mi balza il cor" and
> a number of songs.

The ballet portion of the program was described as follows:

> In the Act 2d—*A pas de Deux,* by Benoni and Mad. Feltman; and *English Dance* by Mr. Feltman and Virginie Benoni; and a grand national *Scotch Dance* by Benoni and Madame Feltman.[289]

While earlier in the history of the American Theatre in New Orleans, instances of the introduction of dances into the action of a play occur,[290] the pieces are usually farces or light comedies and the dance might or might not be compatible with the theme and action of the play.

On March 19, 1830, this elaborate presentation with the same cast and program was repeated.[291]

In the next season (1830-1831) *Rob Roy* was performed twice, and elicited no critical response from the local papers. The first performance, of February 21, 1831,[292] presents an interesting item in that it is the only occasion on which the title role was played by an actor other than Caldwell. For this night he relinquished the role to J. M. Scott, whose career in the New York Theatres would justify that concession on Caldwell's part.[293] Miss Placide again played Helen McGregor, and Mr. and Mrs. Cramer Plumer,

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[289] *Ibid.*

[290] *Louisiana Courier,* April 23, 1821. A year later on May 30, 1831, a performance of *The Highland Widow* introduced into its first act a "Scotch Pas Seul."—*Louisiana Advertiser,* May 30, 1831.

[291] *New Orleans Argus,* March 19, 1830.

[292] *Louisiana Courier,* Feb. 21, 1831.

[293] For brief sketch of J. M. Scott, see Chapter IV, of this Thesis.

whose history is varied enough to be worthy of individual attention later, played Frank Osbaldistone and Diana Vernon; Page was the Nicol Jarvie.

Scott having returned to New York and the Bowery Theatre,[294] when *Rob Roy* was repeated on May 7, 1831, Caldwell resumed the role of the Scottish outlaw; the remainder of the cast was the same as that of the February production.

Of the excellence of these performances, and of their reception, we can offer no opinion, for here as in many other instances, the newspapers make no comment.

On January 20, 1832,[295] New Orleans saw the first performance of *Rob Roy* for the season 1831-1832, and, perhaps, the finest Nicol Jarvie ever to appear on the boards of Caldwell's theatre. With the support of Caldwell as Rob Roy, Jane Placide as Helen, and Mrs. Rowe as Diana, H. J. Finn, who had delighted New York and Boston audiences wtih his "richly comic" characterizations,[296] presented the Bailie to New Orleans. The performance elicited an immediate and laudatory comment from the local press.

The *Louisiana Advertiser*, which had allowed even Scott's Rob Roy, and Mme. Féron's Diana Vernon, to pass unrecorded, issued the following paragraph in praise of Finn:

> The Camp Street Theatre was again almost to overflowing, last evening, to witness the Bailie Nicol Jarvie of Mr. Finn, in whose person the kindhearted and benevolent Glasgow weaver was realized with a strength of conception and justness to the original picture of Sir Walter Scott, which we have rarely seen equalled.[297]

The *Advertiser* might with honesty have omitted the phrase, "rarely seen equalled," since the only other actor of first rank who had played Nicol Jarvie to the local audiences had been Holland, whose name was not intimately associated with the part of the Bailie.[298]

Our record of the New Orleans performances of *Rob Roy* closes with the mere mention of Finn's second appearance as Nicol Jarvie on January 20, 1832, of which no account exists save the advertisement appearing in one newspaper, and that in the French section of a journal whose interests were decidedly Gallic.[299]

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[294] Odell, *op. cit.*, III, 524.
[295] *Louisiana Advertiser*, Jan. 20, 1832.
[296] *Ibid.*
[297] *Ibid.*, Jan. 21, 1832.
[298] I find no record in Odell, of Holland having played Nicol Jarvie in New York, at least, prior to 1831.
[299] The only announcement of this performance was in the French section of *L'Abeille*, Jan. 20, 1832.

To the modern theatre-goer, accustomed to reading records of popular plays performed for hundreds of times within a season, *Rob Roy's* record of thirty performances within the span of nine years may seem inconsiderable, but even New York, which by the '30's claimed the distinction of America's theatrical center and boasted of at least four major theatres,[300] saw but forty-six productions of *Rob Roy* from 1818 to 1832.[301]

F. The Talisman — Performance of an Original Ms. Version

When the *Tales of the Crusaders* reached the New Orleans book merchants in October, 1825, it was received with elaborate praise by the editor of the *Louisiana Courier*,[302] who expatiated upon the grandeur and magnificence of the series of scenes depicted and the nobility of the characters. He little realized that the readers to whom he addressed his elaborate review were to witness a performance of an original transcript of one of those tales less than a year later.

Of course a month earlier the *Courier* [303] had reprinted a notice from the *Edinburgh Observer* stating that "a drama, founded on the 'Talisman,' a tale of the Crusaders, by the author of Waverly, was performed in the Theatre in that city Edinburgh within about 30 hours after the publication of the novel." The Royal Theatre at Edinburgh did present an anonymous version of *The Talisman* on June 22, 1825,[304] only a few days after the publication of the novel, but an operatic play, *The Knights of the Cross*, with text by Samuel Beazley and music by Bishop had opened at Drury Lane in London on February 17, 1825.[305]

Neither of these adaptations saw performance in New Orleans. But such a neglect of two popular dramatizations[306] may well be overlooked when we consider the importance of the version offered by Caldwell, a manuscript version by an unknown author whose identity can not be ascertained.[307]

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[300] The Park, the Bowery, the Chatham, The Lafayette Amphitheatre.
[301] Odell, *op. cit.*, Indices to Vols. II and III.
[302] *Louisiana Courier*, Oct. 3, 1825.
[303] *Ibid.*, Sept. 9, 1925.
[304] White, *op. cit.*, 183.
[305] *Ibid.*, 244.
[306] *Ibid.*, 183.
[307] After the first performance of this Ms. version, the *Louisiana Advertiser*, April 10, 1826, questions whether the author "is a native here and to the manner born." The editor evidently received the Ms. from the author as indicated in the comment of Feb. 28, 1826, must have known his name, and merely seeks further news of the man.

On February 28, 1826, the first editorial news of the coming play appears:

> We have been favored with the Ms. Drama of "The Talisman; or, *The Days of Chivalry,*" dramatized from the Tales of the "Crusades", and with the permission of the author, we make the following extract from it. It is, we understand, to be presented to Mr. Caldwell, of the American Theatre, for presentation—who will, no doubt bring it out in a superior style. If the scenes now quoted are a fair specimen of its merits, we should say it will produce an effect on the stage of no ordinary splendor.[308]

Whether the editor wished to pique the curiosity and arouse the interest of the New Orleans public or not, we cannot say, but he then printed a lengthy extract from the Second Scene of Act II, of the Ms. play. Replete with stage directions, highly dramatic in action and speech, it must have been an invaluable advertisement for the play. Despite its length the scene deserves reprinting here:

Act 2nd—Scene 1st.

Richard Coeur de Lion's Tent (Richard and Devauz are discovered sleeping—trumpet sounds—they start.)

Devaux.—Who comes?

Enter Kenneth

Kenneth.—Kenneth of the Leopard.

Devaux.—Whence this bold intrusion, Sir Knight?

Richard.—Hold Devaux! He comes as a good Soldier, to render an account of his guard. To such my tent is always open. Speak Sir Scot, thou comest to tell me of a vigilant, safe and honorable watch—Do'st thou; the rustling of the folds of my banner were enough to guard it even without the body of such a Knight as men hold thee.

Kenneth.—As men will hold me no more; my watch has been neither safe, vigilant or honorable—the banner has been carried off.

Richard.—And thou alive to tell it, It cannot be—thou art in jest—come speak the truth—I will forgive thee if thou hast lied.

Kenneth.—Lied, Sir King, (but this must also be endured) I have spoken the truth.

Richard.—By St. George, Devaux, go view the spot—this cannot be—this fever has also turned his brain—haste, Devaux, or send if you will not go.

[308] *Louisiana Advertiser*, Feb. 28, 1826.

Enter Neville

Neville.—I come to inform you, that the banner is gone and that the Knight who guarded it has been overpowered, and most probable murdered, as there was blood where the banner's spear lay broken; but whom do I see here (beholding Kenneth).

Richard.—(Springing from the Couch and seizing his battle-axe) a traitor! a traitor! Thou shalt die a traitor's death, (he raises the weapon as to strike—Kenneth remains unmoved—Richard drops the axe in astonishment), by St. George, he trembles not. Neville, Thou says't there was blood near the place? Hark thee Scott, thou wert brave once, for I have seen thee fight. Say thou hast slain two of the dogs in defence of the standard—say but one—nay that thou hast struck but one good blow in our behalf, and get thee out of our camp with thy life and thy infamy.

Kenneth.—Thou hast called me liar, my Lord, and therein you have done me wrong—Know, that the blood shed in defence of the standard was that of my poor hound more faithful than its master, who forsook his charge.

Richard. (raises his axe) now by St. George—

Devaux. (Throws himself between Richard and Kenneth)—This must not be—a coward deserves an ignominous death, rather than to die by the arm of Richard Coeur de Lion.

Richard.—Thou are right, Devaux, and yet it is strange to witness the bearing of the man—Coward or traitor he must be, yet he abode the blow of Richard Plantagenet, as if our arms had been raised to lay Knighthood on his shoulders. Had he shown the slightest sign of fear—had but a joint trembled—I had shattered his head like a crystal goblet—but I cannot strike when there is neither fear nor resistance.

Kenneth.—My Lord!

Richard.—Ha! Hast thou found they speech? Ask grace of heaven, not of me. For if thou wert mine only brother—there is no pardon for thee.

Kenneth.—I ask for no grace— I crave not for my life, but, I wish to speak with thee on a subject which concerns thee as a Christian King.

Richard.— Say on.

Kenneth.—What I have to speak must be heard by no ears but thine own.

Richard.—(To Devaux and Neville) Retire then.

Devaux.—My Lord, I will not venture to allow you remain alone.

Richard.—How! dare'st thou not venture our persons with one traitor?

Kenneth.—It matters not; I will speak in the Lord of Heaven. He is good Lord and true.

Devaux.—Not an half hour since, and I had said the same of thee.

Kenneth.—There is treason around you, King of England.

Richard.—May be as thou sayest. I have a pregnant example.

Kenneth.—Treason, that will injure you more than the lost of one hundred banners. The Lady Edith.

Richard.—What of her—what of her.

Kenneth.—My Lord there is a scheme to disgrace your lineage by bestowing her hand on the Saracen Soldier.

Richard.—Silence—infamous and audacious! what is it to thee if she marry Saracen or Christian?—what is it to thee if I should please to ally myself to valor and truth in the person of Saladin?

Kenneth.—Little to me, but I tell thee—if thou in thought entertain the purpose of wedding thy kinswoman Lady Edith—

Richard—Name her not—and for an instant think not of her (Raises his axe.)

Kenneth.—Not name her—not think of her!— Now by the cross on which I plan my hopes, her name shall be the last word in my mouth; her image the last thought in my mind. Try thy boasted strength on this brave brow, and see if thou can'st prevent my purpose.

Richard.—He will drive me mad—Hark! (the trumpet sounds.)

Enter Neville

Neville.—The Queen, your royal consort soon comes.

Richard.—Detain her Neville, detain her. This is no sight for woman, (Exit Neville) Devaux; away with the traitor, but hark; (aside) keep him safe, he is presently to die. He shall die like a Knight in his belt and spurs, for if his treachery be as black as hell, his boldness may match that of the devil himself. Away with him. (Richard walks to his couch.)

Devaux.—Sir Kenneth thou art young, thou hast lost a father; can nothing be said or done in thy behalf?

Kenneth.—Nothing. I have deserted my charge and am ready to die.

Devaux.—Nay; there is a mystery in this; thou are not a coward—thou are not a traitor; —No— traitors die not so calmly. Thou hast been seduced from thy post by some guile, or the cry of some distressed maiden has caught thine ear, or the smile of some merry one has taken thine eye. Come, Richard is merciful—hast thou nothing to entrust to me.

Kenneth.—Nothing—nothing.

Enter Berengara and Edith

Berengara.—This unhappy Knight, fearing that you should condemn him to death for a trivial fault, I have come to entreat you to spare him.

Richard.—Speak not of him, his doom is fixed—he dies at noon!

Edith.—Be not so engaged my liege; I ask of thee to extend your mercy to this Knight and preserve him from death. Grant me but this, and my prayers shall ever be for the Royal health.

Richard.—Can this be Edith Plantagenet, the wise and noble? Or some love-sick girl who wishes to save the life of her paramour and care not for her own fame? Now by King Henry's soul, little hinders but I shall have the head of the minion placed in Thy cell as a perpetual ornament.

Edith.—Minion, call't thou him! He was indeed my lover and a most true one; but never sought the grace from me by look or word—and the good Knight must die for this.

Berengara.—Peace, peace—you will but enrage him.

Edith.—I care not—the spotless virgin fears not the raging lion. Let him work his will on the poor Knight; Edith, for whom he dies, will know how to weep his memory. Death unites the high and low; and I am henceforward the spouse of the dead. In the tomb shall this heart rest with his clay cold spirit; and here on earth shall a joyless mind murmur in accordance with the winter winds.[309]

Such unusual attention to a projected theatrical performance might alone have been sufficient to assure a very respectable and profitable attendance at the opening of the play. But the interest of the *Advertiser's* editor ran high. On the date of the first performance, the *Louisiana Advertiser,*[310] under the usual heading "Theatrical," offers additional praise of the play and of Caldwell, and predicts great success for the "last new play of 'The Talisman,' which has been for some length of time[311] in preparation—."

A great portion of the predicted success was attributed to the play's Walter Scott origin:

> The "Tale of the Crusaders," from which it is *dramatized,* is familiar to all who consult the pages of the *Waverly Novels.* It has not been contradicted that the work alluded to, ranks among the best that has yet been elicited from the pen of that immutable author.[312]

[309] *Ibid.*
[310] *Ibid.*, April 7, 1826.
[311] Probably in preparation from February 28 to date of production.
[312] *Louisiana Advertiser*, April 7, 1826.

With reference to the play itself and to Caldwell, scheduled to play the heroic head, the article continues:

> In a dramatic form, *The Talisman*, is highly spoken of by those who are acquainted with its progress, and from the little we know of it ourselves, we have no hesitation in predicting, that it will produce an effect on the stage of much interest and splendor. The part of *Kenneth of the Leopard*, by Mr. Caldwell, will be a rich treat to the lovers of the Drama—it is a character so well suited to that gentleman's style, that we think he will succeed in it inmitable. The house will, no doubt, be filled. We wish the piece every success—and a desirable remuneration[313] to the enterprising Manager of the Theatre.[314]

No previous or subsequent performance of any Scott dramatization received more propitious or well-intentioned advance notices; Caldwell must have looked with sanguine pride from that commendatory article to the adjacent announcement for the American Theatre:

This Evening, April 7th, 1826, the new Play of the

T a l i s m a n

(Dramatized from the Tales of the Crusades.[315]

The same announcement prints an unusually full cast:

Kenneth of the Leopard	Mr. Caldwell
Richard Coeur de Lion	Wilson
Saladin	Drummond
Philip of France	Duffy
Leopold of Austria	Still
Wallenrode	Lucas
DeVaux, Lord of Gillsland	Gray
Neville	Moore
Nectabanus, (A Dwarf)	McCafferty
Hermit of Engaddi	Forrest
Templar	Scott
Conrade of Mountserrat	Kelsey
Jester	De Grove
Spreer Spreecher	Lowry
Richard's Messenger	Murray

[313] Caldwell's financial affairs must not have been in a prosperous condition. Despite the elaborate variety of the season, the *Louisiana Advertiser*, May 29, 1826, reports that "all the novelty he (Caldwell) could produce and all the talent and energy he could exert, (as we are informed by a gentleman to whom his books have been exposed) have not been able to shield him from a loss exceeding $6,000."

[314] *Louisiana Advertiser*, April 7, 1826.

[315] *Ibid.*

Philip's Messenger	Higgins
Queen Berengaria	Mrs. Rowe
Edith Plantagent	Johns
Florise	Higgins
Ladies of the Court	Bloxton, etc.[316]

Three days later, April 10, *The Talisman*, "which was received with rapturous applause on its first representation," was billed for the "second and positively the last night—,[317] with the same cast as the previous performance. This second playing was rewarded with a review that compensated adequately for the omission of critical comment on the first showing:

> This play on its second representation attracted a numerous and brilliant audience. We do not know what particular beauty there is in the language, sentiment, or character; but there is certainly a charm about it almost impossible to describe. The characters were well supported, particularly, Kenneth, Richard, and Saladin; aided by the actors who played those parts, the story which is really well told, was imposing and full of interest. Such as it is, it does credit to the dramatist, who has done some service to the state and honor to himself.[318]

The enthusiastic editor felt that for the author, who was, we are emphatically told, "a young gentleman of respectability," glory without profit would be of no avail. Continuing his praise of the young unknown, the editor urged "that such talent as is here elicited ought to be encouraged, and we think the manager would do well to reward native genious by following the example of the English managers, in giving the author his 3rd night—in other words *a benefit.*" To make this plea more attractive, the editor sagely added, "Numbers would attend a third representation and others would go in compliment to the author."[319]

Caldwell might not have been particularly inclined to favor the author with such a benefit, but he certainly was in no position at that time to forego the opportunity for a good house. He followed the *Advertiser's* suggestion and on April 15, 1826,[320] presented "for the Benefit of the Author," *"and positively for the last time,"* the "last new Play of the TALISMAN."

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[316] *Ibid.*
[317] Quotations from advertisement, *Louisiana Advertiser*, April 10, 1826.
[318] *Louisiana Advertiser*, April 13, 1826.
[319] *Ibid.*
[320] *Ibid.*, April 15, 1826.

The cast was that of the two previous performances. What of that cast? Caldwell is reserved for later mention; Still, we have noted, had already achieved great popularity in New Orleans; Forrest passed unnoticed by the local critic, and as yet had not become a magical word in theatrical talk. The other male members of the cast were the usual stock members of the circuit theatre, of whom theatrical history has little to say. With two exceptions, however—Wilson, who played Coeur de Lion, and Drummond, who played Saladin.

Alexander Wilson first appeared at the Park Theatre, New York, in March, 1817, and there played romantic leads. Nine years later he was enacting a great variety of roles—heroic, character, Shakespearean—at the Lafayette Theatre; from there he transferred his endeavors to the Bowery in March, 1827, where, despite adverse notice, he became successful and "almost attained distinction on the stage sacred to Forrest and Hamblin.[321]

He attained some distinction in New Orleans also, for his performance of *Brutus* on May 5, 1826, was given an excellent advance notice,[322] and was followed by a fair criticism.[323]

As early as 1812, Drummond was appearing regularly in minor roles at the Park Theatre, New York, and later engaged in important character roles at the Richmond Hill Theatre.[324]

Mesdames Johns, Higgins, and Bloxton remain merely names appearing occasionally in recorded casts.

With the third performance in April, 1826, the history of this Ms. version of *The Talisman* ceases, at least as far as available data is concerned. In view of the flurry of excitement with which the arrival of both the novel and play were greeted we should expect a greater number of performances, but a plausible answer presents itself—the version of *The Talisman* presented in New Orleans, had, as far as we know, no musical setting or interludes. By 1825 the New Orleans audiences would have come to look upon "songs, duetts, etc.," as integral and necessary parts of a Walter Scott dramatization.

G. Peveril of the Peak, and Masaniello

When *Peveril of the Peak* as a novel appeared in London in January, 1823, it was not received with particular favor either by

[321] Odell, op. cit., II, 471; III, 267, 276, 302.
[322] *Louisiana Advertiser*, May 4, 5, 1826.
[323] *Ibid.*, May 6, 1826.
[324] Odell, *op. cit.*, II, 385; III, 588.

the press or by the literary public.[325] Lockhart declares that its reception was "somewhat colder than that of its three predecessors,[326] and that the mysterious heroine, Fenella, "was an unfortunate conception."[327] Certainly the novel attracted little attention in New Orleans.

But despite the fact that the story is "clumsy and perplexed," and the climax "foreseen from the very beginning, and yet most inartificially brought about,"[328] Edward Ball, who under the pen-name of Fitzball had written many dramas,[329] brought out a dramatic version at the Surrey Theatre, London, in February, 1823; there it ran for a month during the winter season;[330] on its appearance at Bath it was hissed, and later when shown at the Royal Theatre in Edinburgh, received unusual censure for its departure from the plot of the Scott novel.[331]

The one New Orleans performance of which I have found a record caused no unusual comment, part from the routine advertisement which billed the play, and one editorial comment.

This communication devoted itself mainly to the actors of the occasion, expressing the hope for a well attended house, since "the Candidates on this occasion for public favor are both persons of merit in their respective departments of that Theatre."[332]

Of the play itself little is said except that *"the Peveril of the Peak* is a novelty in America and European writers speak well of it as a dramatic production—."[333]

Peveril of the Peak might be dismissed without further notice, were it not for a theatrical editorial which appeared in the *Louisiana Advertiser,* on April 30, 1830, and which suggests a connection between *Peveril* and another melodrama, *Masaniello.* The editorial, after some references to *Masaniello* as "an intellectual treat," and as a play "of acknowledged merit," continues: "Celeste distinguished herself as Fenella, a character drawn from Walter Scott's Peveril of the Peak."

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[325] The *Quarterly Review* was lukewarm in its praise and the *New Monthly* had nothing but "utter damnation" for it. J. T. Hillhouse, *The Waverley Novels and Their Critics* (University of Minnesota Press, 1936). 52, 65, 128. Even Maria Edgeworth, while delighted with the novel, declared that Scott's heroine, Fenella was "indistinct."—*Ibid.*, 118.

[326] Lockhart, *op. cit.*, IV, 85.

[327] *Ibid.*, IV, 86.

[328] *Ibid.*

[329] White, *op. cit.*, 18.

[330] *Ibid.*, 173. White also says that Ball produced a fairly successful version of *The Fortunes of Nigel* a few weeks after the novel came out.—White, *op. cit.*, 166. Like Peveril, *The Fortunes of Nigel* had received much criticism and was considered by a good number of reviewers as inferior to Scott's other novels.—Hillhouse, *op. cit.*, 52, 58, 64, 75, 96. Perhaps Ball took special pride in producing successful melodramas from novels that were not overpopular.

[331] White, *op. cit.*, 174.

[332] *Louisiana Gazette,* May 16, 1825.

[333] *Ibid.* While the connection of *Peveril* with Walter Scott is not mentioned, the novel had been advertised as a Waverley novel in the *Louisiana Gazette.*

Was the Fenella of *Masaniello* actually "drawn" from Walter Scott's *Peveril of the Peak?* While the purpose of the present paper is not to draw literary parallels or to discuss plot similarities, this local announcement, coupled with the immediate popularity of *Masaniello* at the American Theatre, demands attention.

A consideration of the details of the two stories[334] reveals little similarity of background, locale, or characters. *Masaniello,* laid in Italy concerns itself with revolt and intrigue fostered by the fisherman, Masaniello; *Peveril,* Scotch in locale and character portrayal, deals primarily with religio-political differences and their consequent effect on two lovers of differing religious sects. The romantic hero of the former is a somewhat profligate duke; of the latter, a high-minded young Scot.

But one element is common to both—Fenella. Threading her way through the maze of intrigue found in both plays is this mute, mysterious, half-elfin creature, who appears and disappears in amazing, unnatural manner, always present, however, at a moment when her services will benefit the romantic hero. The Fenella of both stories is a pitiful figure, hopelessly in love with the hero, and dedicated solely to assisting him out of the plot-difficulties.

Of course, since the editorial which claims the Fenella of *Masaniello* as the heroine of Scott's *Perveril of the Peak* appeared only after three performances of the former play, we can readily attribute this connection of the two characters to the editor's realization of a similarity between them after witnessing the play.

Certainly the play announcements make no mention of a Walter Scott origin of the play. One announcement of April 17, 1830, which advertises the first playing in New Orleans, of "*Masaniello, or the Dumb Girl of Portici,*" merely calls it "a new grand historical drama,"[335] with no mention of an author. Another, in the *Louisiana Advertiser,* for the same date, announces:

> Music and Overture by Witt; translation from the French by H. M. Milner; scenery by Mondelli; Machinery by Varden. Dresses by Ammerman; Properties by Lewis. The whole produced under the direction of Mdlle. Celeste.

The play, then, might have been a translation of *La Muette de Portici,* the operatic play with the libretto of Scribe and Delavigne and music by Auber; this play, sometimes billed as Masaniello, had

[334] The libretto of *Masaniello,* or *La Muette de Portici* was not available, but a fairly detailed synopsis is given in the *Nouveau Larousse Illustré,* LXI, 257.
[335] *Louisiana Courier,* April 17, 1830.

seen its premier performance in Paris in 1828, and in London, in 1829.[336] The question that then arises is whether or not the Scribe, Delavigne, Auber-opera was partially based, at least as far as the character of Fenella is concerned, on *Peveril of the Peak.* It might have been, since Peveril had appeared in 1823, and since by 1828 numerous operas and operatic plays by French authors with Scott novels as their sources, were popular.[337] White[338] reports that fourteen of Scott's novels inspired thirty operas and melodramas in France, and of *Kenilworth* alone there were six French adaptations. Many of these were the work of Scribe and Auber;[339] it is possible that the plot and some of the characters of *Masaniello* were taken from Scott, by Scribe and Delavigne, and that these two famous colibrettists failed to mention the fact.

We can however, prove nothing; we can only conjecture, and comment in passing on the immediate popularity of *Masaniello, or the Dumb Girl of Portici,* which within one month in 1830 was given six elaborate performances.[340] Was popularity thus afforded Masaniello because the public recognized Fenella as a Walter Scott character? Or was its frequent performance due to the excellent dancing and pantomime of Mlle. Celeste as Fenella?

With Scott as Masaniello, and Miss Placide as Fenella, it was played twice in the following season, on January 13 and 15, 1831.[341]

H. La Dame Blanche—The White Lady

"It was considered a failure — the first of the series on which any such sentence was pronounced; — nor have I much to allege in favor of the White Lady of Avenel, generally criticised as the primary blot —."[342] Thus Lockhart expressed his disfavor of *The Monastery* which along with *The Abbot,* published seven months later,[343] served partially as a source for several plays which subsequently appeared under various names.

The majority of these bear the name of the phantom character, the White Lady of Avenel, the history of whose reception in the novel is a long series of condemnations,[344] with, perhaps, the excep-

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[336] *Nouveau Larousse Illustré,* LXI, 257.
[337] White, *op. cit.,* 55, 70, 80, 82, 113, 117, 135, 149, 158, 178.
[338] Ibid., 201.
[339] *Ibid.,* 32, 71, 136, 159.
[340] April 17, 19, 21, 23, 24, 30. Dates taken from *Louisiana Courier.*
[341] *Louisiana Courier,* dates mentioned.
[342] Lockhart, *op. cit.,* III, 483.
[343] *The Monastery,* in March, 1820, *The Abbot* in Sept., 1820.
[344] Hillhouse, *op. cit.,* 23, 45, 38.

tion of the contemporary critic in *Blackwood's Magazine* who expresses his high admiration for the White Lady.[345]

Of all the dramatic versions, the most noteworthy was the French adaptation, *La Dame Blanche*, which appeared in 1825, from the collaborated efforts of Scribe and Boieldieu. This was not Scribe's first venture in arranging a Scott novel for French audiences—in 1823 he had written a successful adaptation of *Kenilworth*, under the title, *Le Château de Kenilworth*, with music by Melesville.

For his plot variations and for his characters, Scribe did not limit himself to the pages of the *Monastery* and the *Abbot*, but drew freely upon the story of *Guy Mannering*.[346] The play was an immediate success in Paris, where it opened in December, 1825, at the Opera Comique, and three months afterward commenced "a triumphal tour of the provinces."[347]

English versions of the French play appeared early, as did some English dramas and operas directly adapted from the combined plots of the three novels,[348] but none of these achieved the popularity of Scribe's play.

With the Scribe version, which saw twenty-four performances in New Orleans prior to 1832, we are here concerned; there is no record of a performance of an English version during the period under consideration.

This French operatic play must have captivated both the French and English groups in New Orleans, for advertisements, special notices, and critical reviews appear as frequently in the English section of the newspapers as in the French, a procedure which was rather unusual. In a few other instances, advertisements for the American Theatre appear in the French section of one or two papers.

The first newspaper news of the play appeared in the editorial column of the *Louisiana Courier*, for February 2, 1827, and, in the English section. It is a somewhat wordy letter from one of the actors of the New Orleans Theatre, Mr. A. Gontier, and addressed to "the Editor and the people of Louisiana." Mr. Gontier, having been deprived of the part of Gaveston in the forthcoming production of the *White Lady*, voiced his grievance at the injustice.[349]

[345] *Ibid.*, 58.
[346] White, *op. cit.*, 160.
[347] *Ibid.*
[348] *Ibid.*, 160.
[349] How effective this attempt to arouse public favor in his behalf was, I cannot say. The only full cast of *The White Lady (La Dame Blanche)* given for that year, however, does not include Gontier's name.

Three days later the play was announced for presentation on February 6, 1827, "for the first time here."[350] Advertisements appeared in both the English and French sections of the *Courier*, the former describing the play as a "new opera in 3 acts, words by Scribe, Music by Boyeldieu;" neither section mentions the play as a Walter Scott dramatization, though a subsequent editorial performs that service adequately.

John Davis, manager of the Orleans Theatre, was as capable as Caldwell in announcing the attractions of an elaborate first performance, for to his first advertisement is added the following descriptive paragraph:

> The director has neglected nothing in getting up the beautiful piece. The Scottish view in the first act, repainted by Mr. Meucci, presents the most agreeable perspective; and the decoration of the third *act* is entirely the composition and execution of this artist. All of the Scotch *costumes* for the actors and actresses are entirely new and furnished by the administration. In short nothing has been forgotten to give to this representation all the brilliancy of which it is susceptible. And every thing gives reason to hope that the New-Orleans public will not find *it* fall short of the great reputation it has obtained.[351]

After two months of anxious expectation [352] the New Orleans audiences flocked to the Orleans Theatre for this American premiere[353] of *La Dame Blanche*, and "at an early hour the theatre was filled almost to overflowing, and we do not recollect ever to have seen the boxes graced by a more brilliant assemblage.[354] Nor were they disappointed, if we credit the elaborate commendation of a lengthy review and the immediate replaying of the piece.

The plot is given fair praise, the music, acting, singing and scenic effects captivated the audiences. The *Argus* thus reports this first performance:

> The beautiful overture answered the most sanguine hopes of the amateurs, and gave promise of a delicious treat to the lovers of fine music.
>
> The subject of the poem is borrowed from Scott's novels. The intrigue is well enough managed, yet curiosity is never very much excited. It is generally allowed that Boyeldieu has

[350] *Louisiana Courier*, Feb. 5, 1827.
[351] *Ibid.*
[352] *New Orleans Argus*, Feb. 8, 1827.
[353] A French company presented *La Dame Blanche* for the first time in New York on August 24, 1827.—Odell, *op. cit.*, III, 252.
[354] *New Orleans Argus*, Feb. 8, 1827.

surpassed himself in this last opera; true the music is not all new, but some morceaux are taken from the other of his own works, in the third act we distinguished the favorite Scotch air of "Robin Adair" improved upon by Boyeldieu and admirably well sung by Mr. Alexander. We have not often seen a piece played with so much ensemble, the costumes were tolerably correct, indeed Madam Alexander might well have been taken for a charming Scot Lassie by a Scotchman himself. The greatest credit is due to the director for the splendid manner in which the piece was got up; no trouble, no expense has been spared to render it perfect, and we do not fear being accused of exaggeration in pronouncing it as far superior in every respect to anything of the kind ever before offered in this city.

Although much was expected, after all that has been said in favor of the talents of Mr. Meucci, as a minature painter, yet when the curtain rose for the third act, the audience burst into loud acclamations of applause at the beauty of the scenery, that appeared like the magnificence raised by fairly enchantment; reiterated cries of bravo, bravo, expressed the satisfaction of the audience.

As mere amateurs we are unable to convey but a very faint idea of the scenery, which represents the interior of a Gothic reception hall, the vault of which is supported by a column of green Italian marble; a rich gilt border extends around the room above the casements, which on the columns terminating in salient lion's heads of the same; on the pedestal of the columns, are figures representing warriors so perfectly executed that they might be taken for statues detached from the columns. In the centre of the hall is a gallery with a double balustrade—with flights of stairs at either extremity descending into the hall, on each side of which, and in front are statues on green Italian marble pedestals; in the centre of the gallery below is a door communicating with the inner court; this door elegantly designed and of superior execution would of itself be sufficient to establish the reputation of the artist whose work it is; in the centre of the hall a row of columns, corresponding to those around the hall, with salient arms supports the arch of the vault, which is ornamented at each extremity with the armorial bearings of Arenal, and in the centre is represented a warrior armed cap-a-pie on horseback. In the back ground is a circular gallery enclosing the inner court; here we have the finest specimen of the talents of the artist, the perspective is most admirably maintained, in fact the whole far surpasses our feeble talents at description, and some artists with whom we have conversed, think it far superior in elegance of design, in richness of coloring to anything of the kind before seen in this country.[355]

[355] *Ibid.*

While the music would naturally be of the early nineteenth century French School, we cannot help notice the comment, "we distinguished the favorite Scotch air of 'Robin Adair'—". Boieldieu must have been endeavoring to make his musical setting realistic to the libretto.

In quick succession, the Orleans Theatre saw four more performances of this opera, on February 7, 8, 13, 15, 1827.[356] The French announcement for February 15 contains a fairly complete cast:

Gaveston	Mr. Leblanc
Georges	Alexandre
Dikson	Theodore
Mac-irton	Ferrand
Anna	Mme. Milon
Jenny	Alexander
Marguerite	Chollet
Paysans Ecossais	Tous Les Acteurs
Paysannes Ecossaises	Toutes Les Dames[357]

Mmes. Alexandre and Chollet (Cholet), and Mm. Leblanc and Alexandre were the main supports of the "French Company from New Orleans" which a few months later gave New York its first French performance of note. These four mentioned all received excellent notices in New York.[358]

Before the end of the season the Orleans Theatre presented six more performances of *La Dame Blanche*,[359] one of them by "general request," and another by "request of several families of the country." The last of these six performances was part of the closing program for the season, on June 12, 1827. Three days before the closing date, John Davis inserted in the *Argus* a letter of thanks to the New Orleans public for their support during the season, and closes his letter with a plea for attendance at this final performance, " . . . a benefit for the theatre."[360] Davis states:

> This representation, which will be composed of the "White Lady," and the "Husband Confidant," will produce, at least he so flatters himself, the desired effect. The White Lady, which has always been of such powerful service to him and whose name alone performs miracles, cannot fail of making

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[356] Dates as announced in *New Orleans Argus*.

[357] *New Orleans Argus*, Feb. 15, 1827 (French section).

[358] *Ibid.*, June 9, 1827.

[359] The *New Orleans Argus* gives the following dates for performances in 1827: March 5, 18, April 8, 29, May 20, June 12.

[360] The purpose of the benefit was to secure funds for repairing the front of the theatre.

another, inasmuch as it is to be a benefit to a public who have already given him so many marks of approbation.[361]

While the audiences of the American Theatre saw no performances of *La Dame Blanche* in their own theatre, they had the pleasure of hearing, during the season 1827, excerpts from the opera, for on May 26, 1827, after the comedy for the evening, (*The Merry Days of Charles II*), Caldwell announced:

> End of the play will be performed with full orchestra, the celebrated grand overture of the "White Lady," on which occasion, several members of the Orleans Theatre have kindly consented to assist in the orchestra.
>
> Mr. Still will, for the first time, sing in French, the popular air, from the grand opera of the "White Lady," "Ah quel plaisir d'être soldat."[362]

During the season 1827-1828 the Orleans presented *La Dame Blanche* five times.[363] One performance of the group should be singled out for momentary attention; the Orleans announced *La Dame Blanche*, as a benefit for the Orphan Boys Asylum, on May 20, 1828, with the "aimable cantatrice, Madame Milon," as Anna.[364]

During the season 1828-1829, the Orleans Theatre, saw *La Dame Blanche* on January 1, February 19, and May 5, 1829, and in the season 1829-1830, on December 20, 1829, February 2, and May 11, 1830.[365]

Two other performances of *La Dame Blanche*, both announced in the *Louisiana Advertiser*, took place on November 14, 1830, and on December 29, 1831.

I. French Versions of Other Scott Novels—Le Château de Kenilworth, La Dame du Lac, La Feancée de Lammermoor

Speaking of the popularity of the many French plays inspired by Scott's novels, White comments: "For almost thirty years after 1820, the vogue of Scott in France fell just below that of Shakespeare,[366] with Bryon and Fenimore Cooper coming next. . . ."[367]

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[361] *New Orleans Argus*, June 9, 1827.

[362] *Ibid.*, May 26, 1827.

[363] Dec. 9, 1827, (*Louisiana Courier*); Jan. 3, Feb. 24, March 27, May 20, 1827, (*New Orleans Argus*).

[364] *New Orleans Argus*, May 20, 1828. Odell, op. cit., III, 252, quotes the *Albion*, a New York paper, as saying of Mme. Milon: "(She) would take high rank in almost any other company."

[365] Dates from *Louisiana Advertiser*.

[366] I have found one instance of a French adaptation of Shakespeare in New Orleans. The *Argus*, Jan. 26, 1830 (French section), announces for that date at the Orleans Theatre "une représentation de Hamlet, ou Le Prince de Dannemark, Tragédie en 5 actes par Ducis."

[367] White, *op. cit.*, 201.

This vogue would naturally be taken up by the Orleans Theatre, since John Davis annually brought to New Orleans, plays and performers from France. Crowds at the Porte St. Martin Theatre in Paris in 1882 had flocked to witness a "Mélodrame en trois actes à grand spectacle tiréé du roman de sir Walter Scott" called *Le Château de Kenilworth.*[368] This version was the product of the combined efforts J. B. E. Cantiran de Boirie, H. Lemaire, and Frédéric Dupetit-Méré.

This version, advertised as "Mélódrame en trois actes, orné de tout son spectacle," was first presented at the Orleans on October 30, 1825,[369] and was repeated on December 15 of that year, on which occasion the special scenery, designed by Fogliardi, was particularly advertised.[370] This use of unusual scenic effects was in the tradition of Scott dramatizations in France, where contemporary journals commented particularly on the pageantry at close of the *Château de Kenilworth.*[371]

As noted in a previous section of this chapter, *The Lady of the Lake,* was known by 1819 in an Italian version, with music by Giacomo Rossini. This musical play, *La Donna del Lago,* appeared in Italy, and at Covent Garden, London, by 1823.

But of a French version, White has no record whatever, and to the Orleans Theatre belongs the distinction of the first American performance, or perhaps world premier, of an unusual adaptation of Scott's famous poem.

The French section of the *Louisiana Courier*[372] announces for June 25, 1829, "la première représentation de la Dame du Lac. Opéra Nouveau en quatre acts arrangé pour la scene française, par M. Lemière de Corvey, Musique du Célèbre Rossini,—." Of this performance there is no other record. This version might easily have been a French translation of the Italian opera of Tottola and Rossini.

Davis must have considered this premiere of importance since he favored it with new scenic mounting—the *Courier* reports: "Orné de tout son spectacle de quatre superbes décorations entièrements nouvelles, peintes par Mr. Debelle."[373]

The opera was given a second performance on July 2, 1829,[374]

[368] *Ibid.*, 125.
[369] *Louisiana Gazette,* Oct. 30, 1825 (French section).
[370] *Louisiana Courier.*
[371] White, *op. cit.*, 136.
[372] June 23, 1829.
[373] *Ibid.*
[374] Louisiana Courier, June 29, 1829 (French section).

and was scheduled for another playing on July 10, 1829, but the performance was not given because of the illness of one of the actors.[375]

No statements of the quality of the play or performers exist, but Davis was satisfied enough with it to include it in his brief repertoire of twelve nights at the Park Theatre a few weeks later.[376]

The only other French adaptation of a Walter Scott novel to appear in New Orleans prior to 1833, was a highly dramatic dramatization by Victor Ducange, which despite its lack of accompanying music had been immediately successful in Paris in 1828, where it had an initial run of fifty nights.[377]

This drama of Ducange appeared at the Orleans for the First time on January 19, 1832, announced as *"Feancée [sic] de Lammermoor,*[378] pièce héroique," with its origin given as "du roman de Scott."[379]. It was repeated but once within that season, on February 28.

CHAPTER IV

ACTORS AND ACTRESSES APPEARING IN SCOTT DRAMATIZATIONS IN NEW ORLEANS, 1818-1832

From the time the first Scott dramatization appeared on the boards at Covent Garden in 1816, down through the years of the nineteenth century, scores of great stage personalities, actors, actresses, singers, have attained enduring fame from their portrayals of Walter Scott characters. In America, this is particularly true, however, only after the '30's; the early history of the dramatizations is a story of adequately performed and well staged productions, rather than an account of brilliant "star" performances.

This is generally true of the performances in New Orleans, which saw the Scott characters portrayed by excellent artists, it is true, but by artists whose names had not the magic power of those of Forrest, Cooper, and many other stars of the day.

But from the standpoint of their prominence, several of the artists deserve brief but special notice. Passing over a host of

[375] *Ibid.*, July 10, 12, 1829.
[376] The "French Company from New Orleans" played at the Park, from Aug. 18 tq 29, 1829.—Odell, *op. cit.*, III, 401.
[377] White, *op. cit.*, 80.
[378] The word "Fiancée" thus spelled in newspaper.
[379] *L'Abeille*, Jan. 19, 1832 (French section).

minor but worthy performers, we can consider six of the outstanding actresses and six of the most prominent actors who appeared in Scott roles in New Orleans. A number of performers have already been briefly discussed in the course of the paper.

Mrs. Drake

Mrs. Alexander Drake, whom Odell refers to as "the tragedy queen of our western theatres,[380] and the "recognized leader of tragedy in America," prior to the advent of Charlotte Cushman,[381] was the wife of Alexander Drake, manager of the Drake Circuit which extended through Lexington, Frankfort, Louisville, Cincinnati, Nashville, and even as far South as Huntsville, Alabama.

Prior to her marriage in 1823, as Mary Frances Denny, she had appeared in Montreal, Quebec, and Boston, and had made a successful debut at the Park Theatre, New York, in 1820. After her marriage to Drake, she travelled the Drake Circuit, and was long a favorite in the theatres and social life of the small towns and cities of the route.

On her appearance in New Orleans in Scott roles, those of Helen McGregor in *Rob Roy*, and of Meg Merrilies in *Guy Mannering*, she must have given good performances since "she excelled in the heavier characters of tragedy, in which line she has rarely been excelled on the American stage."[382]

Mme. Féron

Madame Féron, perhaps the most famous singer to appear in Walter Scott dramatizations in New Orleans, made her debut at Covent Garden in 1817, at the age of fourteen. She subsequently toured the capitals of Europe, becoming one of the favorite pupils of Giacomo Rossini. She appeared in London at Drury Lane, in 1827, and made her New York debut at the Park, on November 27, 1829, where she astonished and entranced her audience.[383]

She toured America in 1829 with Sol Smith as her manager and accompanist, and arrived in New Orleans for an engagement at the American Theatre in February, 1830.[384]

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[380] Odell, *op. cit.*, 125.
[381] *Ibid.*, III, 379.
[382] From J. N. Ireland, *Records of the New York Stage*, as quoted in Coad and Mims, *op. cit.*, 128.
[383] Odell, *op. cit.*, III, 385.
[384] *New Orleans Argus*, Feb. 20, 1830.

New Orleans audiences first saw her as Rosina in *The Barber of Seville* on March 3, 1830, on which occasion she "gave proof of a most exquisite method and taste, her voice had the expression, that tender languor so natural to the Italian music, and the Italian language."[385]

At the American she appeared, as already noted, in the *Lady of the Lake*, and as Diana Vernon in *Rob Roy*, both during March, 1830. Later that year she was engaged by Davis for the Orleans Theatre, where she opened on April 12, 1830, in the *Barber of Seville*,[386] and later played such important pieces as *La Vestale*. Her reception in New Orleans was one of uncensured praise.[387]

Mrs. Knight

Mrs. Edward Knight, "the most pleasing and finished vocalist that ever delighted a New York audience,"[388] made her American debut at the Park in December, 1826, and remained the reigning vocal favorite there for two years, until her popularity was challenged by the arrival of Mme. Féron.[389]

During her second season at that theatre she played Lucy in *Guy Mannering* (October 22, 1827), and a variety of romantic operatic roles. Her New Orleans appearance in a Scott role was as Diana in *Rob Roy*, which performance has already been noted.

Miss Placide

Daughter of the celebrated gymnast, Alexander Placide, of London, and sister of the celebrated Henry, Thomas, and Caroline Placide, Miss Jane Placide was for almost fourteen years the favorite actress of the American Theatre in New Orleans.

She first appeared in New Orleans with the American group in 1822, while they were still at the Orleans Theatre,[390] and we find her returning with Caldwell season after season, playing a variety of roles, both vocal and dramatic.

As a child actress she had appeared in New York as early as 1814,[391] and later became a favorite performer during her brief stay at the Chatham Theatre, during the season 1827-1828.[392]

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[385] *Ibid.*, March 5, 1830.
[386] *Ibid.*, April 12, 1830.
[387] *Ibid.*, April 15, 1830.
[388] Odell, *op. cit.*, III, 240.
[389] *Ibid.*, III, 239, 240.
[390] Ludlow, *op. cit.*, 245, 247.
[391] Odell, *op. cit.*, II, 425.
[392] *Ibid.*, III, 355, 356.

She is most intimately identified, however, with the history of the New Orleans theatre; the mere cataloguing of her variety of Scott characterizations alone is remarkable.

There is certainly a wide variation between Lucy Mannering and Meg Merrilies, and yet she is closely associated with both in the story of the American Theatre. Her Scott roles were: Lucy Mannering, Meg Merrilies, Elspeth Mc Tavish, Blanche of Devon, Helen McGregor, Diana Vernon, Constance, and later Fenella, if we consider the *Masaniello* heroine a Scott character.

The local editors were never remiss in their praise of Jane Placide's acting. She is "one of the most promising actresses in the United States"—this, as early as 1824.[393] She is later referred to as the "best actress in the Western Circuit," and after an absence of several months, the editor of the *Courier* expresses the thought that the "public will be gratified to learn that Miss *Jane Placide* is shortly to appear again on these (The American Theatre's) boards."[394]

The most comprehensive local opinion of her ability appeared in the *Louisiana Advertiser* on May 10, 1826, and merits reprinting in full:

> Her just delineation of the variety of characters she is compelled to personate proves at once her versatile talents, of her desire to render herself agreeable to those who visit the scenic representations in which she is so conspicuous an ornament. The *Naivete* she displays in comedy and the majesty of her personification in tragedy is enchanting in the one and admirable in the other.

One biographical incident of a romantic nature might be mentioned. Forrest, while playing at the American Theatre in 1824, became attracted to Miss Placide. Hornblow thus relates the affair:

> The leading actress of the New Orleans company at the time was Jane Placide, a young girl of remarkable beauty. Forrest fell deeply in love with her, and when she rejected his advances he discovered that he had a rival in the person of his manager. He challenged Caldwell to a duel, but the manager paid no attention, and the baffled and angry Forrest, having "posted" his former manager, went to cool his wrath and disappointment in the wigwam of an Indian Chief for whom he had formed a close friendship.[395]

[393] *Louisiana Gazette.*
[394] *Louisiana Courier*, March 11, 1829.
[395] Hornblow, *op. cit.*, II, 34, 35.

Jane Placide died in New Orleans on May 16, 1835. Forrest's entry in his diary on receiving the news, records; "And so Jane Placide is dead. The theatrical people of New Orleans, then, have lost much. She imparted a grace and force and dignity to her role which few actresses have been able so admirably to combine."[396]

Mr. Caldwell

To fittingly record the achievements of James Caldwell as theatrical manager, business man, entrepreneur of varied undertakings, and actor, would occupy a lengthy dissertation. We can only mention one or two brief facts.

As a performer of Scott roles he met with approval on every occasion on which the papers give us a critical review.[397] Particularly do we associate him with the parts of Roderick Dhu and Rob Roy, which latter part he played at every recorded performance of *Rob Roy* save one.

While at the beginning of the history of the American theatrical enterprises in New Orleans he met with some adverse criticism, by 1831 he had so established himself as a favorite citizen that he became excellent news "copy" on many occasions.[398]

Even when he is away from his chosen native city, news of his activities enters the editorial column of the New Orleans papers.[399] Thus the *Louisiana Advertiser* of October, 1828, takes special pains to reprint this notice from the *New York Enquirer:*

> Park Theatre—Mr. Caldwell's benefit on Monday evening, was attended by a full and respectable house. He was in fine spirits, and performed *Gossamer* in a most masterly style. The warm approbation of the audience must have been highly gratifying to his feelings.

Caldwell evidently won the confidence and trust of his fellow citizens, for in 1827, when the City Council of New Orleans formed a committee to supervise the policing of the upper faubourgs of the city, Caldwell was appointed for the Fauxbourg Annunciation, in which section was located his theatre.[400]

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[396] M. C. Crawford, *The Romance of the American Theatre* (Boston, 1913), 191.

[397] *Louisiana Gazette*, Feb. 12, 1823; Jan. 26, 1824; Feb. 6, 1826; *Louisiana Advertiser*, April 7, 1826.

[398] Varied comments on Caldwell are to be found: *Louisiana Advertiser*, May 29, 1826; Dec. 4, 1830; April 19, 1832; *New Orleans Argus*, Dec. 4, 1829; Feb. 23, 1830.

[399] *Louisiana Gazette*, Dec. 31, 1825.

[400] *New Orleans Argus*, Sept. 12, 1827. Found in notes of Session of the City Council of Sept. 8, 1827.

Mr. Finn

Born in Sidney, Australia, but educated in America, Henry James Finn made his American debut at the Park as Shylock in 1818.[401]

While his early history is that of a tragedian, he later transferred his talent to the field of low comedy; this change began to occur during the year 1824, when he was playing at Chatham Gardens in New York. That season he "went through a curious medley of parts:" Andrew Aguecheek, Nicol Jarvie, Richard III, Bob Logic. Odell[402] says that "one sees that comedy was struggling for supremacy in his repertoire. Finn thereafter followed his bent, and seldom acted tragedy in New York."

Mr. Holland

Holland's Bailie Nicol Jarvie, which New Orleans witnessed on February 7, 1829, attracted unusual attention and naturally so.

Odell states that for fifty years after his debut in September, 1827, Holland was a favorite comedian on the New York stage.[403]

Prior to his appearance in New Orleans he had appeared with success at New York's leading theatres— The Park, The Chatham Garden, The Broadway Circus, Niblo's Garden, The Bowery[404] always in comedy roles.

Mr. Scott

When the audiences at the Chatham in New York greeted J. M. Scott with applause on his initial appearance as Rolla in *Pizarro*, on May 5, 1825,[405] they were welcoming an actor who had received good schooling in the Western circuit.[406]

From the beginning of 1822 until his departure for New York in '25 Scott had been a regular member of the Caldwell troupe, playing many roles. From 1825 until his reappearance in New Orleans in 1830, he saw service at several of New York's leading theatres — The Chatham, The Brooklyn, The Lafayette Amphitheatre,[407] and in October, 1827, we find him at the newly enlarged Lafayette Theatre, because, Odell declares, Scott "must belong to any big theatre that housed big shows."[408]

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[401] Hornblow, *op. cit.*, I, 292, 293.
[402] Odell, *op. cit.*, III, 129.
[403] *Ibid.*, III, 326, 327.
[404] *Ibid.*, III, 354, 355, 371, 400, 414, 429, 443.
[405] *Ibid.*, III, 160.
[406] Ludlow, *op. cit.*, 245, 247, 249.
[407] Odell, *op. cit.*, III, 215, 229, 278.
[408] *Ibid.*, III, 346.

Mr. and Mrs. Cramer Plumer

When Mr. and Mrs. Cramer Plumer sang Frank Osbaldistone and Diana Vernon at the American Theatre on the night of February 21, 1831, they had the benefit that morning of a lengthy and laudatory article in the *Louisiana Advertiser*.[409]

Their performance in *Rob Roy* must have been in keeping with this praise, for when Caldwell repeated *Rob Roy* on May 7 of the same year, they again took the singing leads.

Prior to that second performance of *Rob Roy*, this couple had appeared in two elaborate operatic performances, an English version of *The Barber of Seville* (April 23, 1831), and Gay's *Beggar's Opera* (May 2, 1831). In the former piece Mrs. Plumber appeared as Rosina, and her husband, as Count Almaviva. Both performances were received with approbation.[410]

Plumer, from the Royal Academy of Music in London, had first sung in America at the Park Theatre in New York on June 13, 1828. During this first engagement he met Miss Cramer, who had just come to the Park from an engagement at the Bowery.[411] He later married her, prior to the New Orleans engagement.

Later in 1828, Miss Cramer was, to a certain extent, the star of the semi-operatic season which the Park Theatre inaugurated in September of that year, singing opposite Henry Hunt and Charles E. Horn, who were considered rivals, at that time, for the title, "best singer in the country."[412]

In the month of October, 1830, Plumer was singing romantic roles at the Bowery, appearing in such parts as Count Alamavia, and Henry Bertram in *Guy Mannering*. He left the Bowery because of a disagreement with Hamblin, then manager, and we hear no more of him in connection with the New York stage.[413]

Mr. and Mrs. Pearman

When Mr. Pearman appeared as Henry Bertram in the performance of *Guy Mannering* (at the American) on May 20, 1831, he was no novice in the part. An excellent singing actor from England, he had made his debut in New York at the Park in that same role on November 5, 1823. Odell's account of that first appearance is enthusiastic:

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[409] *Louisiana Advertiser*, Feb. 21, 1831, under the heading: *Memoranda Dramatica*.
[410] *Ibid.*, April 26, May 14, 1831.
[411] Odell, *op. cit.*, III, 397.
[412] *Ibid.*, III, 404, 405.
[413] *Ibid.*, III, 516, 517.

> After so long a period of time, I should not venture to describe the charms of this really manly singer; but I can fortunately call on the Albion of November 8th, which, declares that Pearman "possesses an exquisitely sweet and melodious voice, with fine science and correct taste. The clearness, softness and beauty of his voice we have scarcely ever heard equalled." Pearman, however is not a very good actor; at least, though his acting is "good", perhaps "he is a singer — not an actor."[414]

Pearman's repertoire in the succeeding years was varied-Seraskier, in the *Siege of Belgrade*, Francis Osbaldistone in *Rob Roy*, Figaro in *The Barber of Seville*, Jocose in *Clari*, Casper in *Der Freischütz*, Trumore in the *Lord of the Manor*, Arbanes in Dr. Arne's *Artaxerxes*, Belville in *Rosina*, Orlando in *The Cabinet* — and a host of other singing parts.[415]

Mrs. Pearman's career in the New York theatres was not so brilliant. Introduced to the New York audience of the Park, by her husband, July 22, 1827, as Rosina in the *Barber of Seville*, she did not "conquer the forts held by Mrs. Austin, and Mrs. Knight and Miss George; singers' wives seldom do, unless before they are married."[416]

During their engagement in New Orleans in 1831, Pearman is heard of more often than his wife. Thus while he appears in the *Barber of Seville*,[417] and the *Marriage of Figaro*,[418] along with the perennial Miss Placide and the two Plumers, only an occasioned part is noted for Mrs. Pearman.

The "Star System" and Walter Scott Dramatizations

A discussion of plays and players in New Orleans would not be complete without some mention of the "Star System" and its peculiar connection with the production of Walter Scott dramatizations in New Orleans.

Hornblow, in describing the "Star System" and its introduction into America early in the 19th century, defines it as a system "by which certain players, enjoying a large following, are engaged for limited periods on high terms and exploited in such a manner that all the other actors in the same company are overshadowed in consequence . . ."[419]

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[414] *Ibid.*, III, 96.
[415] *Ibid.*, III, 99, 104, 107, 109, 149, 305, 310, 311, 322, 323.
[416] *Ibid.*, III, 325.
[417] *Louisiana Advertiser*, May 14, 1831.
[418] *Ibid.*, May 16, 1831.
[419] Hornblow, *op. cit.*, I, 272.

Caldwell made ample and frequent use of the "Star System" from the beginning of his theatrical projects in New Orleans, bringing to the city male stars of the greatest reputation, not only of the American but of the British stage. The arrival and sojourn of these great actors overshadowed not only the stock players but affected the presentation of Scott dramatizations.

That can be understood when we consider that the roster of Scott characters contains no really great tragic or melodramatic roles for male stars; Scott's women are the great tragic and melodramatic figures.

Thus the visit of a famous actor in New Orleans usually saw the cessation, for the time, of the presentation of Scott melodramas.

This is noticed as early as March, 1821, when the great T. A. Cooper appeared in New Orleans. For the entire month of his stay, no Scott melodramas appeared on the boards of the Orleans Theatre, which then housed the American Company.[420] Later, from January 11 to February 6, 1822, when J. B. Booth was a guest star, the same procedure occurred.[421]

In 1823, when Cooper again visited the city, from March 21 to April 11, no Scott dramatizations were performed.[422] Of course during the year 1824, several Scott dramatizations were performed during E. Forrest's engagement, but we must recall that he was not a recognized star at this early date.

Through the years that followed, again and again the engagement of a male star seems to signify the dropping, for the time being, of all Walter Scott productions from the repertoire. We might cite a few outstanding instances.

In 1827, when Cooper played at the American Theatre from March 30 to April 18;[423] in 1828, during J. B. Booth's engagement from January 16 to February 8;[424] in 1829, when Booth again was a guest star from January 7 to February 25;[425] during all these periods we find no presentation of the Scott plays.

The year most illustrative of these coincidental happenings was 1832.

Keppell, a mediocre actor, but nevertheless, one with a great reputation on the Continent,[426] performed at the American from

[420] Ludlow, *op. cit.*, 228-236.
[421] *Ibid.*
[422] From study of files of *Louisiana Gazette*, March 21 to April 11, 1823.
[423] Dates from *New Orleans Argus.*
[424] *Ibid.*
[425] From study of files of *Louisiana Advertiser*, Jan. 7 to Feb. 18, 1829, and of *Louisiana Courier*, Feb. 19 to 25, 1829.
[426] Odell, *op. cit.*, III, 567.

January 24 to February 4, 1832; and the famous J. H. Hackett played from March 19 to 24 — and again no Scott plays.[427]

Cooper returned for a three weeks' sojourn in March and April, and from April 25 to May 16, Barton from Covent Garden and Drury Lane appeared; their visits deprived the New Orleans audiences of the pleasure of Walter Scott dramatizations.[428]

It is evident, then, that while the romantic characters and the tragic women of Walter Scott were attractive to the singing leads and dramatic actresses of the day, the great tragedians felt that there was no glory to be gained in portraying Roderick Dhu, Rob Roy, Henry Bertram, or any other of the high principled young heroes of Scott.

CONCLUSION

The popularity of the Scott melodramas and operatical plays did not cease with the year which saw the death of Sir Walter Scott; the necessity for limiting the scope of this study alone prevented the continuance of the record of the Scott vogue to its later years. But the few years considered to give the authentic record of a vogue of considerable proportions.

Beginning, as it did, less than two years after the establishment of an American theatre in New Orleans, the vogue for Walter Scott dramatizations maintained its position despite competition from other plays of importance and great novelty. This may be verified by a consideration of the number of Scott performances in such an elaborate season as that of 1826, during which dramatic and musical novelties were offered in unusual array.

Then, too, in the light of the discussion of critical reviews offered in the preceding chapters, it is not putting it too strongly to say that the performances of Walter Scott dramatizations from 1820 to 1832 aroused more critical opinion than any other dramatic renditions during the period, at least in the American theatre. Only the appearance of nationally applauded stars demanded greater or more frequent critical comment from the newspapers.

It is apparent also, from numerous and elaborate advertisements, and from occasional but important discussions of their merits, that the Waverley novels were held in high popular esteem; certainly no other author's career was followed so closely by the

[427] *Louisiana Advertiser*, Jan. 24 to March 25, 1832.
[428] *Ibid.*, March 25 to May 17, 1832.

contemporary editors. The presence of a few derogatory criticisms only advances another argument in proof of that great interest in Scott and his literary productions.

Even in a day which saw the American romance and the American nationalistic play claiming the affections of the New Orleans public, interest in Scott remained very much alive. Whenever the local papers make space in their columns for exclamations of praise for genius, for nobility of spirit, for sound humanity and patriotism, the occasion is some production, new or old, dramatic or romantic, from the pen of Scott.

Even the French theatre did not escape this vogue; and if time and the scope of this study permitted, a recording of Walter Scott on the French stage in New Orleans would, perhaps, unearth a wealth of material.

While Scott died in 1832 his popularity persisted in New Orleans through the era of nationalism, through the period of the Civil War, and even to the Victorians of that city he was still virtually alive; this study, unfortunately, cannot comprehend those periods.

APPENDIX A

CHRONOLOGICAL LIST OF PLAYS FOR SEASONS 1820 and 1826

1820

January	7	*The Honeymoon*	St.	Philip	St.	Theatre
		The Three and Deuce	"	"	"	"
January	8	*Laugh When You Can*	"	"	"	"
		Rosina	"	"	"	"
January	7	*Venice Preserved*	Orleans		Theatre	
		The Weathercock	"		"	
January	8	*The Turnpike Gate*	"		"	
January	11	*Douglas*	"		"	
		The Review	"		"	
January	13	*The Belle's Stratagem*	St.	Philip	St.	Theatre
		Three and Deuce	"	"	"	"
January	21	*Romeo and Juliet*	"	"	"	"
January	29	*Douglas*	"	"	"	"
		Catharine and Petruchio	"	"	"	"
February	4	*The Poor Gentleman*	"	"	"	"
February	5	*Paul and Virginia*	"	"	"	"
		The Forty Thieves	"	"	"	"
February	7	*Othello*	"	"	"	"

February	16[429]	*Hamlet*	Orleans	Theatre
		The Purse	"	"
February	18	*The Mountaineers*	"	"
		Turn Out	"	"
February	19	*School For Scandal*	"	"
		The Poor Soldier	"	"
February	21	*Macbeth*	"	"
		The Jovial Millers	"	"
February	22	*The Glory of Columbia*	"	"
February	23	*The Soldier's Daughter*	"	"
		The Padlock	"	"
February	28	*Romeo and Juliet*	"	"
March	13	*The Suspicious Husband*	"	"
		The Tale of Mystery[430]	"	"
March	17	*Wild Oats*	"	"
		The Critic	"	"
March	18	*Heirs at Law*	"	"
March	20	*She Would Be a Soldier*	"	"
April	3	*Venice Preserved*	"	"
April	7	*The Castle Spectre*	"	"
April	8	*The School for Scandal*	"	"
		The Forest of Bondy	"	"
April	10	*Rosina*	"	"
April	15	*She Would Be a Soldier*	"	"
April	18	*Laugh When You Can*[431]	"	"

1826[432]

January	27	*Wives as They Were*
		Don Juan
January	28	*Tom and Jerry*
		The Secret, or Natural Magic
January	30	*Merry Wives of Windsor*
		Nature and Philosophy
January	31	*William Tell*
		The Romp
February	1	*Zembuca*
		The Purse

[429] On February 14, 1820, the American Company moved from the St. Philip Street Theatre to the Orleans Theatre.

[430] All dates above are taken from announcements appearing in *L'Ami des Lois*. The remainder of this list is from the English section of the *Louisiana Gazette*.

[431] This list excludes the performances of Walter Scott dramatizations. From January 7 to 21, two American companies, one headed by Phillips (at the Orleans Theatre) and Caldwell's company (at the St. Philip Street Theatre), were running on a competitive basis. They joined forces at the St. Philip Street Theatre on January 21.

The year 1820 was selected for listing because it was the first lengthy season of dramatic productions in English in New Orleans; the year 1826 is interesting because it shows the great variety of plays offered during the Walter Scott vogue.

[432] The list excludes Walter Scott dramatizations. All dates are taken from the *Louisiana Advertiser*, and all plays were performed at the American Theatre on Camp Street.

February 2	*Dramatist*
	Magpie and Maid
February 3	*Foundling of the Forest*
	Falls of Clyde
February 7	*Hamlet*
	Lover's Quarrels
February 10	*Forty Thieves*
	Monsieur Tonson
February 11	*No Song, No Supper*
	Cataract of the Ganges
February 13	*Mountaineers*
	Forest of Rosenwald
February 14	*The Aethiop*
	The Blue Devils
February 15	*Venice Preserved*
	The Rendezvous
February 16	*School for Scandal*
	Young Widow
February 17	*Hypocrite*
	Secret, or Natural Magic
February 18	*She Would be a Soldier*
	Fortune's Frolic
February 21	*Hypocrite*
	The Spoiled Child
February 22	*Montgomery*
	The American Tar
February 23	*School of Reform*
	Village Lawyer
February 24	*Road to Ruin*
	Sponge in Toun
February 27	*Therese*
	Hunter of the Alps
March 1	*Hypocrite*
	Spectre Bridegroom
March 3	*Montgomery, or the Falls of Montgomery*
March 4	*Battle of New Orleans*
	Therese
March 6	*Barbarossa*
	Highland Reel
March 8	*Castle Spectre*
	Spoiled Child
March 9	*Merchant of Venice*
	Miller and His Men
March 10	*Hypocrite*
	Paul and Virginia
March 11	*Forest of Bondy*
	Simpson and Company

March 17	*She Would be a Soldier*
	St. Patrick's Day
March 18	*Der Freyshutz*
	Spectre Bridegroom
March 20	*Der Freyshutz*
	Wedding Day
March 21	*Belle's Stratagem*
	Forest of Bondy
March 22	*Hypocrite*
	Tom Thumb, The Great
March 23	*Cataract of the Ganges*
	Devil to Pay
March 25	*Sweethearts and Wives*
	Der Freyshutz
March 27	*Sweethearts and Wives*
	Helpless Animals
March 28	*William Tell*
	The Sultan
March 29	*The Stranger*
	Secret, or Natural Magic
	Laugh When You Can
	La Perouse, or The Desolate Island
April 1	*Critic*
	Monsieur Tonson
April 3	*Performance by Mathis*
	Der Freyshutz
April 4	*Sweethearts and Wives*
	La Perouse
April 5	*Virginius*
	Don Juan
April 6	*George Barnwell*
	Frederick the Great
April 8	*Robinson Crusoe*
	Of Age Tomorrow
April 11	*Damon and Pythias*
	Turn Out
April 12	*Rule a Wife and Have a Wife*
	The Wandering Boys
April 13	*Speed the Plow*
	The Forty Thieves
April 14	*Benefit Performance for Caldwell*—consisting of scenes from the *Merchant of Venice, Hamlet, Romeo and Juliet, Julius Caesar* Richard III.

April 17	*King Charles II*
	Falls of Clyde
April 18	*Pizarro*
	Spectre Bridegroom
April 19	*The Liar*
	Simpson & Company
April 20	*The Wandering Boys*
	Der Freyschutz
April 22	*Tom and Jerry*
	King Charles II
April 24	*Cherry and Fair Star*
	The Weathercock
April 26	*Cherry and Fair Star*
	The Liar
April 27	*Cherry and Fair Star*
	Wedding Day
April 28	*Cherry and Fair Star*
	Raising The Wind
April 29	*Cherry and Fair Star*
	Catharine and Petruchio
May 1	*The Spoiled Child*
	Cherry and Fair Star
May 2	*Soldier's Daughter*
	King Charles II
May 3	*Cure for the Heartache*
	Poor Soldier
May 4	*The Hypocrite*
	The Sleep Walker
May 5	*Brutus*
	The Hunter of the Alps
May 6	*Cherry and Fair Star*
	Day After the Wedding
May 7	*Cherry and Fair Star*
	Three and Deuce
May 10	*The Will*
	Magpie and Maid
May 12	*Heir at Law*
	Lock and Key
May 13	*She Stoops to Conquer*
	Warlock of the Glen
May 17	*She Would Be a Soldier*
	Is He Jealous?
May 18	*Sweethearts and Wives*
	Promissory Note
May 29	*The Vampire*
	Cherry and Fair Star

APPENDIX B

CHRONOLOGICAL CHECK LIST OF SCOTT DRAMATIZATIONS PERFORMED 1833-1850[433]

ABBREVIATIONS

A. — *L'Abeille,* (The Bee.)
C. B. — *Commercial Bulletin*
D. P. — *Daily Picayune*
D. T. — *Daily Tropic*
L. A. — *Louisiana Advertiser*

		1833		
January	4	*Rob Roy*	American Theatre	A
January	23	*Guy Mannering*	" "	"
February	15	*The Lady of the Lake*	" "	"
March	15	*Heart of Mid-Lothian*	" "	"
April	3	*Heart of Mid-Lothian*	" "	"
December	16	*Guy Mannering*	" "	"
December	20	*Rob Roy*	" "	"
		1834		
January	28	*Guy Mannering*	American Theatre	A
April	26	*Guy Mannering*	" "	"
December	13	*Rob Roy*	" "	"
December	30	*Guy Mannering*	" "	"
		1835		
January	29	*Guy Mannering*	American Theatre	L. A.
March	7	*Rob Roy*	" "	"
December	10	*Rob Roy*	" "	"
		1836		
April	30	*Rob Roy*	St. Charles Theatre	C. B.
December	16	*Guy Mannering*	" " "	"
December	17	*Rob Roy*	" " "	"
December	22	*Guy Mannering*	American Theatre	"
December	23	*Guy Mannering*	St. Charles Theatre	
		1837		
January	10	*Heart of Mid-Lothian*	St. Charles Theatre	C. B.
January	18	*Rob Roy*	American Theatre	"

[433] This list is arranged with an indication of the name of the theatre at which the play or opera was presented, and the name of the newspaper from which the date was taken in each instance.

1838

April	3	*The Lady of the Lake*	American Theatre	C. B.

1839-1840-1841

No records of performances of Scott dramatizations.

1842

January	6	*Guy Mannering*	American Theatre	D. P.
January	23	*Lucie de Lammermoor*	Orleans Theatre	"
January	30	*The Lady of the Lake*	American Theatre	"
January	30	*La Dame Blanche*	Orleans Theatre	"
February	1	*La Dame Blanche*	" "	"
April	24	*Lucie de Lammermoor*	" "	"
May	1	*Lucie de Lammermoor*	" "	"
May	8	*Lucie de Lammermoor*	" "	"

1843

January	28	*Lucie de Lammermoor*	Orleans Theatre	D. P.
February	3	*Lucie de Lammermoor*	" "	"
February	15	*Lucie de Lammermoor*	" "	"
February	19	*Guy Mannering*	St .Charles Theatre	D. T.
February	21	*Rob Roy*	" " "	"
February	26	*Rob Roy*	" " "	"
March	28	*Rob Roy*	American Theatre	D. T
April	3	*The Lady of the Lake*	" "	"
April	26	*Guy Mannering*	" "	"
May	4	*Lucie di Lammermoor*	" "	"
November	12	*Guy Mannering*	" "	"
November	25	*Lucie de Lammermoor*	American Theatre	D. P.
November	26	*Lucie de Lammermoor*	" "	"
November	28	*Lucie de Lammermoor*	" "	"
December	24	*Lucie de Lammermoor*	" "	"

1844

January	30	*TheHeart of Mid-Lothian*	American Theatre	D. P.
February	6	*The Two Drovers*	" "	"
February	8	*Rob Roy*	" "	"
February	9	*Rob Roy*	" "	"
February	17	*Rob Roy*	" "	"
February	17	*TheHeart of Mid-Lothian*	" "	"
February	24	*Guy Mannering*	" "	"
March	7	*Lucie de Lammermoor*	Orleans Theatre	"
March	12	*Lucie de Lammermoor*	" "	"
March	22	*Lucie de Lammermoor*	" "	"
May	14	*Lucie de Lammermoor*	" "	"

1845

January	2	*Lucie de Lammermoor*	Orleans Theatre	D. P.
January	3	*Rob Roy*	American Theatre	D. P.
January	4	*Rob Roy*	" "	"
January	5	*La Dame Blanche*	Orleans Theatre	D. P.
April	11	*Lucia di Lammermoor*	American Theatre	D. P.
April	13	*Lucia di Lammermoor*	" "	"
April	14	*Lucia di Lammermoor*	" "	"
April	23	*Lucia di Lammermoor*	" "	"
April	27	*La Dame Blanche*	Orleans Theatre	"
May	2	*Lucia di Lammermoor*	American Theatre	"
May	7	*Lucia di Lammermoor*	" "	"
May	13	*Lucia di Lammermoor*	National Theatre	"
September	20	*Rob Roy*	" "	"
October	2	*The Lady of the Lake*	" "	"
October	5	*The Lady of the Lake*	" "	"
October	11	*The Lady of the Lake*	" "	"
December	20	*Lucie di Lammermoor*	Orleans Theatre	"

1846

January	15	*Lucie di Lammermoor*	Orleans Theatre	D. P.
January	22	*Lucie di Lammermoor*	Orleans Theatre	D. P.
March	11	*The Lady of the Lake*	American Theatre	"
November	22	*Rob Roy*	American Theatre	"
December	1	*La Dame Blanche*	Orleans Theatre	"
December	2	*Lucie di Lammermoor*	Orleans Theatre	"
December	3	*Lucie di Lammermoor*	Orleans Theatre	D. P.
December	5	*Lucie di Lammermoor*	" "	"
December	12	*Rob Roy*	St. Charles Theatre	"

1847

January	30	*Rob Roy*	St. Charles Theatre	D. P.
February	10	*Guy Mannering*	American Theatre	"
February	13	*The Bride of Lammermoor*	St. Charles Theatre	"
March	6	*The Bride of Lammermoor*	St. Charles Theatre	"
March	27	*Lucie de Lammermoor*	Orleans Theatre	"
May	19	*Lucie de Lammermoor*	" "	"
May	20	*Lucie de Lammermoor*	" "	"
June	15	*Rob Roy*	National Theatre	"
November	9	*Guy Mannering*	" "	"
November	10	*Guy Mannering*	" "	"
November	17	*La Dame Blanche*	" "	"
November	18	*La Dame Blanche*	" "	"
November	23	*La Dame Blanche*	Orleans Theatre	"
December	2	*La Dame Blanche*	" "	"
December	28	*La Dame Blanche*	" "	"

1848

January	26	*The White Lady*	American	Theatre	D. P.
February	16	*The White Lady*	"	"	"
October	12	*The Lady of the Lake*	Olympic	Theatre	"
October	22	*The Gipsy of Derncleugh*	"	"	"
October	25	*The Gipsy of Derncleugh*	"	"	"
October	27	*The Gipsy of Derncleugh*	"	"	"
October	31	*The Lady of the Lake*	"	"	"
November	1	*Rhoderick Dhu*	"	"	"
November	2	*The Lady of the Lake*	"	"	"
November	4	*The Gipsy of Derncleugh*	"	"	"
November	28	*Lucie di Lammermoor*	American	Theatre	"
November	29	*Guy Mannering*	"	"	"
December	31	*Lucie di Lammermoor*	St. Charles	Theatre	"

1849

January	2	*The Bride of Lammermoor*	St. Charles	Theatre	D. P.
January	16	*La Dame Blanche*	Orleans	Theatre	"
January	19	*The Bride of Lammermoor*	St. Charles	Theatre	"
January	30	*Rob Roy*	"	"	"	"
February	1	*Guy Mannering*	"	"	"	"
February	7	*Lucie di Lammermoor*	Orleans	Theatre	"
February	8	*Lucie di Lammermoor*	"	"	"
March	22	*The Bride of Lammermoor*	St. Charles	Theatre	"
April	13	*Lucie di Lammermoor*	Orleans	Theatre	D. P.
April	14	*Lucie di Lammermoor*	"	"	"
April	15	*Lucie di Lammermoor*	"	"	"
May	5	*Lucie di Lammermoor*	"	"	"
May	17	*Lucie di Lammermoor*	"	"	"

1850[434]

March	16	*Lucie di Lammermoor*	Orleans	Theatre	D. P.
April	27	*Lucie di Lammermoor*	"	"	"
May	18	*La Dame Blanche*	"	"	"
May	24	*Rob Roy*	Placides	Varieties	"
November	1	*Rob Roy*	Olympic	Theatre	"
November	2	*Rob Roy*	"	"	"

[434] For the year 1850, no advertisements for the St. Charles Theatre appear in either *L'Abeille* or the *Daily Picayune*, the leading newspapers of the day. However, Ludlow records the following single performance, (*op. cit.*, 710): November, (date not given) *The Bride of Lammermoor.*

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THE FIRST SYNAGOGUE IN LOUISIANA

By LEO SHPALL

The history of the Jews of Louisiana prior to the purchase of the territory by the United States is largely a history of individuals who settled in various sections of the colony primarily for commercial purposes.[1] Louisiana, unlike the other states, was prevented in its early days from harboring a sufficient number of Jewish settlers such as existed in the Northern states, because of the Black Code which was issued by Bienville before his departure for France.[2] The Black Code, although in its nature a set of laws for the government of the negroes, contained also articles against the Jews. Article I decrees the expulsion of the Jews from the colony and Article III forbids the exercise of any other religion than Catholic.[3] It is evident that these two articles are in accord with each other. According to Charles Gayarré both of these clauses are irrelevant to the matter in consideration. To put it in his words: "Its first and third articles, it must be confessed, are strangely irrelevant to the matter in consideration. Thus the first declares that the Jews were forever expelled from the colony, and, the third, that the Roman Catholic religion was the only religious creed which would be tolerated. By what concatenation of causes or ideas, these provisions concerning the supremacy of the Roman Catholic Religion and the expulsion of the Jews came to be inserted in the Black Code, it is difficult to imagine."[4] Knowing the conditions which existed in France at that time, it is not surprising to find these clauses in the Black Code. The prevailing opinion is, however, that these provisions of the Black Code were never strictly enforced, because there is no further mention of them in the Louisiana records.[5] A number of Jews are mentioned as traders in Louisiana during the early period of the history of the state. There were Jewish trappers, planters and merchants who conducted an extensive trade in the colony.

Charles Gayarré mentions two Jews, Mendes and Solis, in connection with early attempts at sugar making in Louisiana. Etienne

[1] American Jewish Historical Society *Publication*, XII, 114.
[2] *Ibid.*
[3] Alcée Fortier, *History of Louisiana*, I, 87-88.
[4] Charles Gayarré *History of Louisiana*, I, 362.
[5] American Jewish Historical Society *Publication*, II, 14.

de Boré is said to have purchased a quantity of sugar cane from them.[6] Bernard Gratz, a merchant of Philadelphia, also had dealings with New Orleans at that time. The Gratz brothers were successful merchants from Silesia. It was their special ambition to be shipowners trading in every port open to American and British ships. They traveled along the coast from New Orleans to Mobile and other places.[7] Stories circulate that as far back as 1750 the Jewish residents of New Orleans had a minyan, or quorum of no less than ten male adults for the purpose of divine worship. It is also said that when New Orleans was mapped by Delatour, a synagogue was situated on Toulouse Street. There are no data, however, to substantiate these stories. The Jews at that time were scattered all over the colony and either could not organize or made no attempt to do so.

In 1803 Louisiana was purchased by the United States, and many Jews penetrated far into the South. They contributed a great deal toward the progress of the State, volunteered their services in the wars in which the State of Louisiana took part, but made no attempt to organize as a Jewish community until the year 1824. In that year the Jewish settlers of Louisiana met for the purpose of founding a congregation, but were apparently unsuccessful. This was probably due to the fact that Judaism in that section of the country was at a rather low level. Reference to that fact is made in a letter of appeal for funds to build a synagogue issued by the Jews of Cincinnati in 1826. The letter reads as follows:

> Gentlemen, Being deputed by our Congregation in this place, as their committee to address you in behalf of our holy religion, separated as we are and scattered through the wilds of America as children of the same family and faith, we consider it as our duty to appeal to you for assistance in the erection of a house to worship the God of our forefathers, agreeably to the Jewish faith; we have always performed all in our power to promote Judaism and for the last four or five years, we have congregated where a few years before nothing was heard but the howling of wild beasts, and the more hideous cry of savage man. We are well assured that many Jews are lost in this country from not being in the neighborhood of a congregation; they often marry with Christians, and their posterity lose the true worship of God forever; we have, at this time, a room fitted out for a synagogue, two Manuscripts of the Law, and a burying ground, in which we have already interred

[6] Gayarré, *op. cit.*, III, 349.
[7] American Jewish Historical Society *Publication*, XXIII, 5.

four persons, who, but for us, would have been laid among Christians. It will therefore be seen that nothing has been undone, which could be performed by eighteen assessed and six unassessed members. Two of the deceased persons were poor strangers and buried at the expense of the congregation, one of whom was brought to be interred from Louisville, a distance of nearly two hundred miles.

To you, Gentlemen, we are mostly strangers, and have no further claim on you, than that of children of the same faith and family, requesting your pious and laudable assistance to promote the decree of our holy religion. Several of our members are, however, well known both in Philadelphia and in New York. Therefore, with confidence, we solicit your aid to this truly pious undertaking; we are unable to defray the whole expense, and have made application to you as well as the other principal congregations in America and in England, and have no doubt of ultimate success.

It is also worthy to note that there is not a congregation within 500 miles of this city and we presume it is well known how easy of access we are to New Orleans, and we are well informed that had we a synagogue here, hundreds from that city who know and see nothing of their religion would frequently attend here during the holidays.

The Jews of New Orleans generously responded to the appeal made by the Jewish community of Cincinnati and at the same time they began to concentrate all their efforts toward the founding of a synagogue of their own. This was achieved in the year 1828. In that year the Congregation Shaare Chesed or Gates of Mercy was founded.

One of the founders of the synagogue was Jacob da Silva Solis of Philadelphia. He was in New Orleans on a business trip. While there, Passover arrived and he could not procure any matzoth (unleavened bread). The condition prevailing in New Orleans prompted Mr. Da Silva to stir up some of his friends in New Orleans to get together to found a synagogue. He succeeded in his attempts; a constitution was framed, the title page of which bears the name of Jacob Da Silva as the founder of the synagogue and author of the calendar which was bound with the constitution. He subsequently left New Orleans, and the work was carried on by a committee which kept him informed of the proceedings. He, on the other hand, rendered them a great deal of assistance. Of the correspondence which was going on between the committee and Jacob Da Silva, one letter dated August 26, 1829, was preserved. In it the committee writes:

Mr. Jacob S. Solis,

We hope that you and your family are well, thank God we are all the same.

Sir, while you do so a noble action as to write to London for the holy books, and to make subscriptions for our infant society, we have occupied ourselves in buying a lot of ground at public auction of the corporation at the corner of the Basin and Franklin Streets, 70 and 80 feet front on both streets high ground for the sum of two hundred and five dollars payable in one, two and three years; but we have to make the Sideways immediately which must be twelve feet wide, we all hope it will meet your approbation.

Now Sir, we have to beseech you a favor knowing that there exist in New York several rich Israelites, who walk in the ways of God and particular one who all say has shown to the congregation of New York his charitable heart to ask a loan of them or him of the amount of five thousand Dollars for which we will pay them or him a small interest and give him or them a mortgage on the property until final payment.

Sir, we all know that there is no great Mizvah (Good deed) among Israel than to save the life of an Israelite, and in helping to build temples that the name of the great God of Israel may be propagated in the whole globe. Sir, knowing your anxiety to see our young Society promoted as a first power we have full confidence in you, that you will do your most endeavors to fulfill our wishes and immortalize your name by an action which you have so nobly commenced.

The efforts of the committee with the assistance of Jacob Da Silva were not in vain—the building was successfully completed.

The Jewish population of Louisiana was of German, Portuguese and French descent with the Germans in the majority. The founders of the Shaarai Chesed Congregation were German and French Jews, while the Portuguese Jews who adhered to the Sephardic ritual (Spanish ritual) had their own small place of worship. E. L. Andrews, one of the members, offered his house for worship and, in 1845, the synagogue was officially dedicated and named Kehilath Kodesh Nefutzoth Yehudah (The Holy Congregation of the Dispersed of Judah). The charter of the congregation was officially signed in 1847.

In 1843 an effort was made by the Portuguese leaders to unite New Orleans Jewry in one synagogue, but the attempts ended with no success, as the Congregation Shaarai Chesed made plans for the erection of a new building. A committee was selected and the following appeal to New Orleans Jewry was issued by the members:

New Orleans, August 28, 1843

The Congregation of Shaarai Chesed of the City of New Orleans to their Brethren.

Through the blessings of kind Providence, and in the high privilege of religious liberty, guaranteed to all persons in this free and happy country, the Israelites of New Orleans have rapidly increased in numbers within the last few years, they already amount to about one hundred and twenty-five families, having for the most part left their native soil for the purpose of seeking a home in this beloved land, in which all sects are equally tolerated and respected.

Animated by a sense of gratitude to God for these mercies, they feel it a high and solemn duty to erect a suitable place of worship, wherein they may congregate and raise their voices in thanksgiving to the all-wise, in conformity to the established laws of Moses, acknowledging the purity of their faith as handed down to them by their forefathers and which they hope to transmit unimpaired to the latest posterity.

Under the influence of these sentiments, and in the discharge of the duties assigned to them, the undersigned committee on behalf of the congregation feel confident that this appeal will meet with a response as prompt and generous as in every other instance where a similar call has been made for assistance.

Signed

Benjamin Florence
Alexander Phillips
Leopold Levy
S. Rees[8]

The appeal met with a wholehearted support and among the donors was also Judah Touro who gave five thousand dollars. The new building was dedicated on March 5, 1850. Rabbi James Koppel Guttheim, spiritual leader of the synagogue, dedicated the new edifice.

In the same year Judah Touro presented to the Portuguese Jews the Episcopal Church, at the corner of Canal and Bourbon Streets, for a synagogue. In testimony of this transfer of the building a memorial stone was deposited near the main entrance of the building by Judah Touro on the 14th of May of that year. There were only ten people present on this occasion, as Mr. Touro requested that the ceremony be informal.

At 8:30 P. M. the dedication ceremony of the Synagogue Nefutzoth Yehudah (Dispersed of Judah) took place in the

[8] *Occident*, I, 352.

presence of a large audience of Jews and Gentiles—the first of the kind ever witnessed in the southwestern section of the Union. The ceremonies were conducted under the Reverend Mr. Nathan, the resident Minister, and the Reverend Mr. Guttheim of the German Congregation of New Orleans.[9]

Upon the disclosure of the will of Mr. Touro after his death in 1854, it was discovered that he bequeathed to the synagogue additional buildings. In the will he said:

> I give and bequeath to the Hebrew Congregation of the "Dispersed of Judah" of the City of New Orleans all that certain property situated on Bourbon Street, immediately adjoining their Synagogue, being the present schoolhouse, and the residence of Mr. Gershom Kurscheedt the same purchased by me from the Bank of Louisiana, and also to the said Hebrew Congregation, the two adjoining brick houses purchased from the heirs of David Urquart, the revenue of the said property to be applied to the founding and support of the Hebrew School connected with the said congregation, as well as of the defraying of the salary of their Reader or Minister, said property to be conveyed accordingly to said Congregation with all necessary restrictions.

In 1881 the two congregations amalgamated because the "War Between the States impoverished a great many of the proud descendants of Spain and soon it became manifest that the congregation [referring to the Portuguese] could not exist independently." Rabbi Isaac Leucht became the spiritual leader of the amalgamated congregation. It was named Touro Synagogue by Rabbi Isaac Leucht after the consolidation. The Touro Synagogue, as it is well known, is now located on St. Charles Avenue and General Pershing Street, and Rabbi Emile W. Leipziger is the rabbi of the synagogue.

Constitution of the Society[10]

Constitution
Legislature of the State of Louisiana

Section One

Be it enacted by the Senate and the House of Representatives of the State of Louisiana, in General Assembly convened, That Manis Jacobs, Aaron Daniels, Isaac Philips, J. S. Solis, Bernard

[9] Quoted in the *Touro Synagogue Souvenir*, (New Orleans, 1928).

[10] The title page reads "The Constitution and Bye Laws / of the / Israelite Congregation / of / Shaare Chessed / of the City of New Orleans / State of Louisiana / (Seal) / Founded February 2, 5588 / by / Jacob S. Solis / of the State of New York / December 20th, 1827."

Lejeune and all other white Israelites living in this city, and their successors are hereby constituted a body cooperated under the name and title of Shaare Chesed of the Congregation of Israelites of New Orleans, and under this title shall enjoy the right of perpetual succession for the space of twenty-five years, and shall be capable in law of owning, purchasing, receiving, accepting and holding and enjoying for them and their successors, all movables, lands, rents, inheritances, monies, moveables and effects whatsoever, by means of all acts, contracts, deeds, purchase and transaction whatever inter vivos or mortes causa, to accept or reject any legacies or successions, to sue to be sued, summon and be summoned, implead and be impleaded in all suits and actions generally whatever, and to enact and put in execution any regulations which may concern said congregation; and may also have a seal and may enact bye-laws and regulations for better government of said Society.

Section Two

And Be It Further Enacted That said congregation shall be represented by two Parnassim (Warden Seniors) and three Gabaim (Warden Juniors); and provided therefore, that at least one of the Parnassim and one of the Gabaim shall be married and owner of real estate and that they cannot continue in office for more than two years, and that they shall appoint a keeper who shall continue in office as long as they may think proper.

Section Three

And Be It Further Enacted, That the election shall take place on the eve of the festival of Hoshanah Rabah in the month of Tishri (corresponding month of September) and the votes shall be given by ballot in a general meeting called for that purpose by notice in two newspapers.

Section Four

And Be It Further Enacted That the members either separately or collectively under any pretext whatever, sell cede, alienate, lease or rent any of the places consecrated to public worship or to the burial of Israelites.

Section Five

That in case an election should not take place on the day appointed for that purpose, said corporation shall not be deemed dissolved on that account, and any three members of the Congregation may call a meeting for said election.

Section Six

That the funds of said corporation shall be specially and exclusively appropriated and employed in erecting or repairing Temples, relieving the unfortunate, and in establishing schools for the education of the Israelites.

Section Seven

That No Israelite child shall be excluded either from the schools, from the Temple or the burial ground on account of the religion of the mothers.

Signed

Oct. Labranche
Speaker of the House

Ad. Beauvais
President of the Senate

H. Johnson
Governor of Louisiana[11]

March 25, 1828

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[11] The above does not conform strictly to the Legislative Act by which the Society was incorporated, which reads as follows:

No. 84.

AN ACT, To incorporate a Society of Israelites, in New-Orleans.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened*, That Manis Jacobs, Aaron Daniels, Isaac Philips, Plautz, S. S. Solis, Bernard junior, Souza senior, and all other white Israelites living in this City, who may desire to form a socie'y, and their successors, are hereby constituted a body corporate under the name and title of "Shananreen Shosset of the Congregation of Israelites of New-Orleans," and under this title shall enjoy the right of perpetual succession for the space of twenty-five years, and shall be capable in law of owning, purchasing, receiving, accepting and holding, possessing and enjoying for them and their successors, all immoveables, lands, rents, inheritances, monies, moveables and effects, whatsoever, by means of all acts, contracts, deeds, purchase and transaction whatever, to receive all donations and cessions, whether intervivos or mortis causa; to accept or reject any legacies or successions; to sue and be sued, summon and be summoned, implead and be impleaded, in all suits and actions, generally whatever, and to enact and put in execution any regulations which may concern said Congregation, and may also have a seal, and may enact bye-laws and regulations for the better government of said society.

Sec. 2. *And be it further enacted*, That, said Congregation shall be represented by two Pernassien (wardens senior) and three Gabaiin (wardens junior) and who shall continue in office until others are appointed in their stead, and that no one can be appointed or elected, who shall not be twenty-five years of age, and domiciliated in this city: and *provided, moreover*, that at least one of the Pernassien and one of the Gabaiin shall be married and owner of real estate; and that they cannot continue in office more than five years, and that they shall appoint a keeper, who shall continue in office as long as they shall think proper.

Sec. 3. *And be it further enacted*, That the election shall take place every year on the eve of the festival of Houshanna Raba, in the month of Tisre, (corresponding to the month of September,) and the votes shall be given by ballot, in a general meeting called for that purpose, by a notice in two newspapers.

Sec. 4. *And be it further enacted*, That, a Secretary and a Treasurer shall be annually appointed to said society.

Sec. 5. *And be it further enacted*, That the members of said congregation shall not, either separately or collectively, under any pretext whatever, sell, cede, alienate, lease or rent, any of the places consecrated to public worship, or to the burial of Israelites.

Sec. 6. *And be it further enacted*, That, in case an election should not take place on the day appointed for that purpose, said corporation shall not be deemed dissolved on that account, and any three members of the Congregation may call a meeting for said election.

Sec. 7. *And be it further enacted*, That, the funds of said corporation shall be specially and

Bye-Laws of the Hebrew Congregation Shaare Chesed

Article One

There shall be an annual election on the day before Hoshanah Rabah to elect officers for the ensuing year, being a President, Vice-President, Secretary, and Treasurer and three trustees. No person under the age of twenty-one shall be qualified for any of the above offices.

Article Two

A quarterly meeting shall be held on the first Monday of the Month of Nissan, Tishri, Tebeth by the officers of the Congregation who shall be considered a Board of Trustees, the report of the Secretary and Treasurer shall be rendered at each of these meetings for inspection.

Article Three

The President shall have the power of calling a meeting of Trustees or a general meeting, whenever he shall deem it expedient.

Article Four

All monies belonging to the Congregation shall be deposited by the Treasurer in the Branch Bank of the United States of this City in the name of the Congregation Shaare Chesed, and no money can be drawn out of said bank without the signature of the President and Treasurer.

Article Five

At no time whatever shall the Treasurer retain in his possession a sum exceeding Fifty Dollars and the President shall be invested with the power of examining the bank accounts of the Institution whenever he shall deem it proper.

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exclusively appropriated and employed in erecting or repairing temples, relieving the unfortunate, and in establishing schools for the education of Israelites.

Sec. 8. *And be it further enacted*, That, no Israelite child shall be excluded either from the schools, from the temple or from the burial ground, on account of the religion of the mother.

OCT. LABRANCHE,
Speaker of the House of Representatives.

AD. BEAUVAIS,
President of the Senate.

Approved, March 25th, 1828:

H. JOHNSON,
Governor of the State of Louisiana.

The above is found in *Acts of Louisiana*, (1828), pp. 162, 164. Some of the errors in spelling may be due to the printers who printed the *Acts*, or they may be due to the printers who printed the Constitution, or to the copyist who made the copy. At least, it is evident that several errors have crept in somehow.— (Editor, *Louisiana Historical Quarterly*.)

Article Six

In case of absence or indisposition of the President, the Vice-President shall be empowered to act in his place, and in event of non-attendance of both the First Trustee shall preside.

Article Seven

The Secretary shall keep a correct account of the proceedings of all meetings, either of the Government or of the Society, shall settle and adjust the general accounts of the Society, issue notices of the stated meetings, and by the direction of the President of special meetings; shall receive communications, lay the same before the President or Trustees, shall collect or cause to be collected all subscriptions and dues, and pay same to the Treasurer.

Article Eight

It shall be the duty of the Secretary to give a public notice in two of the city journals three days previous to the annual meeting, stating the place and time.

Article Nine

It shall be in the power of the President to assist any Israelite who may apply with the sum of Ten Dollars to be taken from the funds of the Congregation, but in case of extreme necessity the President and the Vice-President may increase the sum to Fifty Dollars.

Article Ten

In the event of the death of an Israelite, the President is authorized to pay the sum of Twenty-Five Dollars for funeral expenses, in case the party deceased has not the means to do so, the sum to be taken from the funds of the Congregation.

Article Eleven

It shall be the duty of the President, Vice-President and the Trustees to attend, in mourning all funerals and in case a non-attendance of either of the above named officers, he or they shall pay a fine of Five Dollars (except absence from the city or indisposition.)

Article Twelve

It shall be the duty of the Secretary, in case of death, to notify six members in rotation, as they stand signed in the bye-laws, who

shall prepare the corpse for interment and on the death of a female, it shall also be the duty of the Secretary to notify six females for the above named purpose.

Article Thirteen

All Israelites residing at present in this city or suburbs, and having not paid towards the purchase of the burial ground, or even those that have paid and not signed the Constitution and Bye-Laws of the Congregation on or before the Fourteenth of June 1828, shall not be considered members, unless they make an application in writing addressed to the President, paying the sum of One Thousand Dollars with the arrears due from the Fourteenth of April 1828.

Article Fourteen

Persons not members of the Congregation, and wishing to be interred may make application for the deceased to the President who shall call a meeting of the Trustees and the amount of admission be subject to their decision.

Article Fifteen

All members of the Congregation shall pay annually Ten Dollars, payable quarterly.

Article Sixteen

Any person arriving hereafter, and wishing to become a member shall pay twenty-five dollars for membership and if circumstances will not justify his so doing, he shall give his obligations for the said amount payable in one and two years and by so doing shall entitle him to the privileges of a member.

Article Seventeen

Any member being absent from the State more than twelve months the fifteenth article shall not be enforced during his absence and his quarterly pay shall commence from the date of his return.

Article Eighteen

There shall be at all times in readiness two sets of shrouds for each sex to be used in case of emergency.

Article Nineteen

Any Israelite member being married to a strange woman shall have the privilege of interring the said wife in the walls of the burial ground in a section of ground situated on the south-west corner and occupying forty-eight feet front and forty-eight feet rear with the depth of the said ground.

Article Twenty

All deluded women that have not reformed six months previous to their death shall be buried in a place appropriated for that purpose, together with persons that have committed suicide.

Article Twenty-One

There shall be no service administered in the said burial ground that varies from the Israelite order and all prayers offered shall be after the custom of the Portuguese Israelites.

Article Twenty-Two

All children born of an Israelite and not having abjured the religion of the father shall be entitled to burial.

Article Twenty-Three

No father and son or two brothers or a father-in-law, or son-in-law shall hold the offices of President, Vice-President, Senior or Junior Wardens at the same time.

Article Twenty-Four

Every member notified by writing or publication of a meeting and not attending shall be liable to pay a fine of one dollar and officers to a fine of two dollars.

Article Twenty-Five

Persons desiring of procuring membership for life, by paying the sum of three hundred dollars shall be so considered, it being well understood that this article shall include no others but himself, wife, and minor children.

Article Twenty-Six

The President shall have the power of directing the opening of the earth for burial and all graves shall be in rotation.

Article Twenty-Seven

All meetings shall be convened One hour after the specified time, the roll shall be called and all members absent shall be liable to a fine.

Article Twenty-Eight

All members who have been absent from the State more than a year and not having paid his or their arrears at the annual meeting shall lose his membership, provided they are in the city on the day of the annual election.

Article Twenty-Nine

Members married to strange women, having a desire to be buried next to their wives and children, the request in all cases shall be granted by informing the President of the same in writing, who shall have full power to act on all occasions.

Signed

Officers:

Manis Jacobs— President
Aaron Daniels— Vice-President
A. Plotz— Junior Warden
A. Green— Junior Warden
A. Philips— Junior Warden
Israel Philips— Treasurer
S. Autler— Secretary.

Resolutions of the New Orleans Synagogue on Death of Jacob S. Solis

New Orleans February 17th, 1830

Mrs. Solis, Madam,—

The Catastrophy which has Befellen you and your family in the death of your beloved Spouse was also Lementable to the Israelite Congregation of this City that as soon as the Sad Tidings came to this place the Board of Trustees held a meeting on account of the Death of their Beloved Brother Member and first founder Jacob S. Solis and an unanimous Vote immediately past to shew their regret that an Obituary notice shall be published with the following resolutions to shew their respect and esteem they have

for the Deceased and his respectable family and May the Supreme Ruler of the universe guard and protect you and your Lonely Orphans is the Sincere Wish of the Society

(Signed) Aaron Soloman
For and in behalf of the Society

Obituary

—The Lord Giveth and the Lord Taketh—

Died at Mount Pleasant New York on the 29th of December Last Jacob S. Solis, esq. aged 49 years a native of London and for the last 25 years a respectable citizen of the United States. He leaves a widow and Seven Small orphans to lament his death and several friends to regret his loss. He was a Brother to all men and a Father to the orphans and an aid to the poor to the sick and a comforter to the afflicted. The Society at Large has lost one of its best supports, it has pleased the Lord to take him into His Bosom where his Soul will rest in peace Everlasting.

At a stated meeting of the Trustees of the Israelite institutions of this city duly assembled according to notice the following resolutions were unanimously adopted.

Resolved, That in consequence of the Death of our Much Lemented fellow member Jacob S. Solis and in Consideration of his Many Virtues and effectual service rendered to this institution on its formation—The Officers ware crape on their left arm for the Space of thirty days from the date of this meeting

That the Secretary of this institution do write a consolitory letter to the widow and Orphans of the Late Jacob S. Solis

Resolved, That the Above resolutions be published in two papers of this city

(Signed) By Order of the Board

A. Soloman
Secretary Pro Tem

JAMES RYDER RANDALL IN LOUISIANA

By JOHN EARLE UHLER

Most unexpected is the tablet marking a wide-spreading tree on False River near New Roads, in Pointe Coupée Parish, Louisiana. The tablet reads:

Maryland Oak
On this site April 6, 1861[1]
James Ryder Randall
Wrote the words to the famed
Song of the Confederacy
Maryland My Maryland.

In the peaceful setting of lake and willow groves and cane fields and homes of Acadian descendants, the legend on the tablet is the echo of the roar of cannon.

James Ryder Randall, who was twenty-two when he wrote the song,[2] had within the year become a teacher of English and Latin in Poydras College,[3] which stood near what is now called the Maryland Oak. It was a congenial environment for the youthful pedagog. Tho born in Baltimore, Maryland,[4] he was related by blood, temperament, and tradition to some of the boys that he taught. Like them he was descended from the Canadian French.[5] It was over the bayous of this Louisiana country that his compatriots had traveled[6] after their exile from Acadia, most of them to establish new homes, a few to seek relatives who had been separated. About thirty years before Randall's arrival in Louisiana, appeared Haliburton's[7] indignant account of how the English expelled the French from Nova Scotia. In 1841 Catherine R. Williams'[8] novel *The Neutral French* was published, in whose lengthy introduction, with even more intense feeling, the author denounces the in-

[1] The date was actually a day or two after April 19, 1861, when in Baltimore the event occurred that inspired the poem.
[2] Born January 1, 1839, *Who's Who in America*, (1906-1907.)
[3] Founded by Julien Poydras (1740-1824) Alcée Fortier, *Louisiana* (Cyclopedia), II, 326.
[4] Cf. *Who's Who in America*, (1906-1907.)
[5] Matthew Page Andrews, *Poems of James Ryder Randall*, 1.
[6] E. L. Tinker in his *Les Ecrits de Langue Francaise en Louisiane*, 339 *ff.*, writes that five thousand Acadians went to Louisiana.
[7] Thomas Chandler Haliburton, *A Historical and Statistical Account of Nova Scotia.*
[8] Catherine R. Williams, *The Neutral French, or The Exiles of Nova Scotia.*

vader and pities the exile. Six years later, when Randall was a child of eight, Longfellow completed his *Evangeline*,[9] more impersonal in treatment, but far more pathetic. In this poem, as in Haliburton's history, Randall's great-great-grandfather René Leblanc[10] plays a part.

René Leblanc, a notary, was one of five most important persons at Grand Pré in Acadia.[11] With suggestions from Haliburton and with the intuition of a poet, Longfellow[12] described him as bent like a laboring oar, with shocks of yellow hair over his shoulders, high forehead, glasses with horn bows on his nose, a look of wisdom. Patient he was, and childlike and lovable. He entertained the village children—including twenty of his own—[13] with stories of the loup-garou, and the goblin that watered the horses at night, and the Létiche, stories that Randall could have heard in Pointe Coupée parish in Louisiana, for they are a part of the literary heritage of the Louisiana French today. It was René Leblanc, this ancestor of Randall's, this gentle raconteur, this leader of his people, who faced an invader of Acadia in 1755.

The director of the invasion was a New Englander, William Shirley, colonial governor of Massachusetts.[14] He thought he recognized in the Acadian colony a menace to English conquest. The New Englander and the Acadian were of antipathetic temperament. The one was Puritan, ascetic, Saxon; the Acadian was humanistic, sensuous, Latin. They differed in their systems of government. New England was republican; Nova Scotia was feudal.[15] The New Englander was a seaman, a merchant, a fighter—adventurous, suspicious, shrewd, pugnacious. The Nova Scotian was an explorer, a tiller of the soil, a trapper—affable, conciliatory, pleasure-loving. The early settlers of Quebec, as a churchman[16] who laments the case tells us, were gay with extravagant dress and feasts and balls; the New Englander fined his neighbor for taking a walk on Sunday.[17] The Acadians were the first people

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[9] Published 1847.

[10] Andrews, *op. cit.*, 1, writes: "the old French Bible handed down in the Randall family shows that the poet was a direct descendant of René Leblanc . . . . René's daughter Marguerite married in Maryland Cyprian Dupuis, a fellow exile from Acadia."

[11] Edward Richard, *Acadia*, II, 207.

[12] *Evangeline*, lines 268 *ff.*

[13] Richard, *op. cit.*, 87, 380.

[14] Shirley's efforts are recounted in Haliburton, *A Historical and Statistical Account of Nova Scotia;* Richard, *Acadia;* Francis Parkman, *Montcalm and Wolfe.*

[15] Edme Rameau de Saint-Père, *Une Colonie Féodale en Amerique.* Also see Francis Parkman, *The Old Regime in Canada*, Chapter XV.

[16] The document, written by Bishop Saint-Vallier is quoted in Parkman, *The Old Regime in Canada*, 344 *ff.*

[17] T. J. Wertenbaker, *The First Americans*, 190.

in North America to stage a play;[18] the New Englander looked on the theater as the house of Satan.[19] It was Obadiah and Ebenezer and Ephraim and Jonathan against Pierre and Baptiste and Dominique and Benois—the Old Testament at odds with the New.[20] This difference of temperament, as well as differences in national ambitions, inspired the Massachusetts governor to action. "Delenda est Canada" was his battle cry.

His immediate aid was Colonel John Winslow,[21] born in Plymouth, Massachusetts, son of Isaac, who was military commander of the Plymouth Colony. It was John Winslow who summoned the men of Grand Pré into their church and held them prisoners. "With his Massachusetts officers" beside him, as Parkman tells us,[22] "Strong, sinewy figures, bearing . . . the peculiar stamp with which toil, trade, and Puritanism had imprinted the features of New England," he read to the Acadians the tragic order of September 5, 1755. "Your lands and tenements and cattle and live stock," he read to the Acadians before him, "are forfeited to the Crown. . . . You yourselves are to be removed from this province.[23]

Among the Acadians who signed a mild petition protesting against the New England invasion was René Leblanc, great-great-grandfather of James Ryder Randall. "We hope," the aged René and his fellow-Acadians addressed the New Englanders, "that you will not plunge both ourselves and our families into a state of total loss; and that this consideration will cause you to withdraw your savages and troops from our districts."[24]

Disregarding such pleas of the Acadians, the Massachusetts militia began the embarkation of their prisoners within a few days after their arrest. The New England colonel describes this event in his Journal.[25] The unarmed Acadian men, so writes Winslow, were marched from the church to the ships, weeping, singing, praying, followed by their women and children in lamentation, and at the docks the men were separated from their families, in some instances forever.[26]

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[18] F. L. Gay, "First American Play," *The Nation*, February 11, 1909, p. 136.
[19] A. H. Quinn, *A History of the American Drama*, 1.
[20] The differences between New Englander and Acadian are discussed in Parkman, *Old Regime*, 396.
[21] Haliburton, Richard, and Parkman quote freely from Winslow's *Journal*.
[22] *Montcalm and Wolfe*, I, 283.
[23] From Winslow's *Journal*, quoted in *Montcalm and Wolfe*, I, 284.
[24] Richard, *Acadia*, I, 203.
[25] Quoted in Gaston du Boscq de Beaumont, *Une France Oubliée*, 58 *ff.* The Abbé Casgrain's description, which is also quoted here, is more detailed and partial.
[26] In a footnote in *Montcalm and Wolfe*, I, 290, Parkman writes, "Some cases of separation of families occurred."

When the ships had sailed with their prisoners, headed for various points from Massachusetts to Georgia, the New England troops set fire to all the Acadian houses.[27] The farms were then offered to these troops and later to other New Englanders.[28] More than a hundred years afterward, 1874, the New England essayist Charles Dudley Warner in a description of a journey in Acadia wrote that "Yankee settlers possess it now, and there are no descendants of the French Acadians in the Valley."[29] The exiles were dropped willy-nilly at ports designated by their conquerors.[30] The family of René Leblanc, consisting of twenty children and about a hundred and fifty grandchildren, were scattered in different colonies. The old man himself, sick and penniless, with only his wife and two of his children, was put on shore in New York. He soon joined three others of his children in Philadelphia, where he died.[31]

Some of his descendants settled in Louisiana. Longfellow in *Evangeline* describes a son Baptiste who wooed the heroine while she sought her lover in the bayou country.[32]In the village of Saint Gabriel in Iberville Parish is a large number of the Leblanc family. Among them the name René (the re-born) is aptly perpetuated.[33] For James Ryder Randall this country, which adopted both *Acadia* and *Evangeline*[34] as names of parishes, possessed a tradition of which he was a part. After discontinuing his education at Georgetown University, in 1854,[35] on account of ill health, and after wandering in South America, Santo Domingo, and Florida,[36] he found in Louisiana a place where, like his kinsmen before him, he might live in peace and pursue a career of his choice.

As a young man with a literary gift, he was in a stimulating country. The romance alone must have been inspiring, even tho it may have had only an indirect and general influence on Randall's work. The story of *Evangeline*, 1847, was still fresh. The pirates Jean and Pierre Lafitte[37] had just passed off the scene. Filibusters

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[27] Parkman, *Montcalm and Wolfe*, I, 292.

[28] Richard, *Acadia*, II, 219.

[29] Charles Dudley Warner, *Baddeck*, 66. See also Frederic S. Cozzens, *Acadia*, 300: "The descendants of those New England settlers now occupy them" [the lands of the Acadians].

[30] Parkman, *Montcalm and Wolfe*, I, 292.

[31] Richard, *Acadia*, 380.

[32] *Evangeline*, Part II, line 711.

[33] Doctor J. Hall Leblanc of Baton Rouge.

[34] Acadia Parish was created in 1886. Evangeline Parish was created in 1908. Fortier, *op. cit.*, I, 19, 397.

[35] So states Mr. John G. Borren, Secretary to the President of Georgetown University in a letter, April 12, 1933.

[36] Andrews, *op. cit.*, 3.

[37] "Lafitte, The Pirate," *De Bow's Review*, XIX, 145-157; Lyle Saxon, *Lafitte the Pirate*. See also E. W. Gould, *Fifty Years on the Mississippi*, Chapters X-XIV, XLII.

like William Walker[38] were active in their swashbuckling among the Latin American republics bordering the Gulf. There was a medley of frontier figures: highwaymen[39] and Indians[40] and gamblers[41] and quadroons[42] and veterans of the Mexican War[43] and river captains[44]—many of them chiefs of their kind, of the heart that made history. To a man of Randall's imagination, the country was a book of tales.

Not only was he settled in a background of southern, frontier romance, but at the same time he was in a land breaking into the full bloom of wealth and culture. The Louisiana sugar plantation extended from horizon to horizon, with an impressive mansion as its seat.[45] One of the largest planters was the very man who endowed the college in which Randall was teaching—Julien Poydras. Altho Poydras died twenty-five years before Randall's arrival at Pointe Coupée, his life[46] gives evidence of the ease with which a fortune could be accumulated, and a culture developed, in this generous land. After a youthful experience in the French navy involving capture by the English, imprisonment, and escape to Santo Domingo, Poydras reached New Orleans in 1768. He began his business career as a pedler and was soon able to buy a plantation near Pointe Coupée, where he established a store, a cotton gin, and a bank. He owned over a thousand slaves. At his residence he entertained Louis Philippe, then the Duke of Orleans, in 1798. In 1804 he was elected president of the first Legislative Council of the Territory of Orleans, and in the few years following held office as delegate to Congress, president of the Constitutional Convention of Louisiana, and president of the new State Senate. Not only was he a business man and statesman, but he also wrote poetry—the earliest in the literary history of Louisiana—that reveals a student of the classics. He was one of the many such planters who brought to the frontier a rich and fairly complex civilization. As Randall visited any one of these plantation residences, altho outside he might hear the whoop of an Indian or the whistle of a Mississippi packet as it called for

[38] William Walker, 1824-1860; *cf.* M. P. Allen, *William Walker, Filibuster.* See also Laurence Oliphant, *Patriots and Filibusters.*

[39] Robert M. Coates, *The Outlaw Years;* Augustus Q. Walton, *A History of the Detection . . . of John A. Murrel.*

[40] Henry C. Benson, *Life Among the Choctaw Indians.*

[41] George H. Devol, *Forty Years a Gambler on the Mississippi.*

[42] Frederick Lee Olmsted, *A Journey in the Seaboard Slave States;* G. W. Featherstonaugh, *Excursion Through the Slave States,* 267-270.

[43] Alcée Fortier, *History of Louisiana,* III, 244-247.

[44] G. L. Eskew, *The Pageant of the Packets;* Gould, *op. cit.*

[45] Lyle Saxon, *Old Louisiana.*

[46] E. L. Tinker, *Louisiana's Earliest Poet.*

help against an attack of river pirates, he himself was surrounded with the glitter of French furniture and tapestries, paintings, objects of art. At his elbow were personal libraries with both French and English, as well as the Latin classics, and contemporary books and magazines.[47] It was one of the numerous foci, in the midst of this wild country, that reflected Parisian culture at close to its best.

Foremost among the magazines at Randall's disposal was *Debow's Review*, published in New Orleans from 1846 to 1880, devoted to articles written in English on literary, political, commercial, and social questions dealing with the southern and western states. A French newspaper, also published in New Orleans, was *L'Abeille*,[48] which lasted from 1827 to 1925. *Le Propagateur Catholique*, 1842-1888, and *Le Meschacébé*, 1853, to the present, tho largely religious, were also of a literary nature. In Marksville alone—a small town within a few miles of where Randall lived—there were three newspapers, one of which, *Le Villageois*, existed from 1844 to 1868. The very longevity of these publications indicates their usefulness and interest and the consequent support they received from their readers. Impressive also is the fact that between 1850 and 1860 the number of French newspapers that were started in South Louisiana was forty-six.[49] In spite of the number of slaves, Indians, and white peasants, it was a highly literate and well-informed country where Randall had decided to seek his career.

As a theater center, New Orleans, which Randall reached with one day's journey by river, was not far behind the large cities of the eastern seaboard.[50] At the second Saint Charles Theater, in Randall's day, played such actors as Edwin Forrest, Edwin Booth, the third Joe Jefferson, William Macready, Charlotte Cushman, and Jenny Lind. Dion Boucicault was a manager and wrote his Louisiana play *The Octoroon*.[51] To the success of the theater, plays were contributed by native Louisianians, E. C. Wharton, T. W. Collens, Placide Canonge, Charles Gayarré, and the negro Victor Sejour.

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[47] *Cf.* Lillian Bankston, "The Louisiana Plantation as Seen Thru Literature," (L. S. U. Thesis, 1934;) Valcour Aime, *A Plantation Diary;* Max L. Griffin, "A Bibliography of New Orleans Magazines," *Louisiana Historical Quarterly*, XVIII (1935.)

[48] *Cf.* E. L. Tinker, *Bibliography of the French Newspapers and Periodicals of Louisiana.*

[49] *Ibid.*, 37.

[50] J. S. Kendall, *History of New Orleans*, II, 737 *ff.*.

[51] For accounts of Louisiana literature, see Alcée Fortier, *Louisiana Studies;* Tinker, *Les Écrits de Langue Française en Louisiane aux XIXe Siècle;* Ruby Van A. Caulfield, *The French Literature of Louisiana.*

Men and women gifted with the pen in other ways were active. Such Louisiana writers, to be sure, as G. W. Cable, Ruth McEnery Stuart, Grace King, and Lafcadio Hearn, all later to become nationally prominent, were only in their youth when Randall lived in Pointe Coupée. The most prolific writer of the time was Charles Etienne Arthur Gayarré, historian and novelist as well as dramatist. At the same time Mary Ashley Townsend, over the name "Xariffa," was writing poetry and essays for the New Orleans *Delta*, the poems to be published later in Philadelphia in one volume. Charles Testut was writing romances and verse. The priest-poet Adrien Emmanuel Rouquette, who lived with the Choctaw Indians near Lake Maurepas, was skilfully imitating Chateaubriand, while his brother, the picturesque New Orleans tramp, was winning the praises of Hugo and Beranger with his verse. The famous filibusters, William Walker, Alexander Walker, and Henry Remy were wielding pens as well as swords. Even the negroes turned to letters. The volume of French verse, *Les Cenelles*, was written by eleven Louisiana "men of color," two of whom, Camille Thierry and Victor Sejour, were cordially recognized in France.

In Tensas parish, just north of Pointe Coupée, lived Sarah Anne Ellis Dorsey, novelist, whom Randall may have known, for she had married a Baltimorean. With the New Orleans novelist Charles Patton Dimitry, Randall was well acquainted. Dimitry had been a fellow-student at Georgetown College in Washington. His father, Alexander Dimitry, of Greek parentage, was Professor of Greek at Georgetown. In his praise Randall at the age of sixteen wrote his *Ode to Professor Dimitry*,[52] beginning

> Behold the man! What matchless godlike grace
> Is blazoned round his great expressive face!

It was the son who appears to have first welcomed Randall in New Orleans and helped him secure the position at Poydras College. And it was this man's literary interest (he was contributor to the New Orleans *L'Abeille*, of which his father had been first editor, and editor of the *Picayune*) that encouraged Randall to submit his poems to the New Orleans *Delta*. The spirit of Louisiana was as fertile for the bloom of Randall's literary genius as was the soil for sugar cane or the magnolia.

In temperament Randall was apparently much like his great-great-grandfather, René Leblanc. René had been a sort of homespun

[52] Andrews, *op. cit.*, 56.

literateur; he collected folk tales and told them to the children. Randall became a newspaper editor. Like his forebear, the boy was of a gentle, pious nature. The robin's breast is red, he writes in one of his poems, because the bird plucked a thorn from Christ's brow and was spattered with blood. "Let this winged Ishmael of the skies," he sings, "teach me a lesson."

> I, in the palace of delight
> Or caverns of despair,
> Have plucked no thorns from thy dear brow,
> But planted thousands there.[53]

His love lyrics are also vivid with religious pictures. To Poe a lady in death was most appealing;[54] to Randall it was a lady at worship.

> She tells, I wist, the beads on her wrist
> With a gentle, lyrical motion,
> And she seems in a mist when the Eucharist
> Is soared for the people's devotion.[55]

Or she is at the communion rail, adorably Madonna-like, her eyes lost in a lake of prayer.[56]

A religious fervor breathes even thru Randall's numerous war poems. The Confederate troops muster under the God of the Maccabees.[57] In the hands of the Southern woman is Judith's lurid blade.[58] The invasion of Southern territory on the part of Northern troops is crucifixion of the soul.[59] On the saint heart of the fallen Southerner shines the cross.[60] The sacred slain[61] of the Confederacy dwell where the cherubim encamp,[62], with the archangelic choir.[63] The sound of the bugle at taps is vespers.[64] Over Charleston at evening is a hallowed radiance.[65] Differing from the New England war poets, Randall appeals to the New Testament far more often that to the Old. Once more it is Pierre, Jean, Jacques, Simon rather than Isaiah, Jeremiah, Ezra, Obadiah—apostles rather than prophets—a promise rather than a threat.

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[53] "Why the Robin's Breast is Red": Andrews, *op. cit.*, 189.
[54] In his *Philosophy of Composition*, Poe writes that "the death of a beautiful woman is unquestionably the most poetical topic in the world."
[55] "The Oriel Window": Andrews, *op. cit.*, 63.
[56] "Eidolon," *ibid.*, 81.
[57] "The Battle Cry of the South," *ibid.*, 102.
[58] *Ibid.*
[59] "Maryland," *ibid.*, 95.
[60] "Placide Bossier," *ibid.*, 118. In Andrew B. Booth, *Records of Louisiana Confederate Soldiers and Louisiana Confederate Commands*, Placide Bossier is described as enlisting at New Orleans in the Third Louisiana Infantry, May 17, 1861. He was killed at the Battle of Oak Hill, August 10, 1861.
[61] "Memorial Day;" Andrews *op. cit.*, 121.
[62] "Placide Bossier," *ibid.*
[63] "Our Confederate Dead," *ibid.*, 119.
[64] "On the Rampart," *ibid.*, 113.
[65] *Ibid.*

With this tradition, environment, and talent, Randall faced the onrushing events of the Civil War. That the planters of Pointe Coupée parish were inflamed by the impending crisis is indicated by the large number of men who volunteered for service at the first call of the Confederacy. To one of them, Placide Bossier, apparently one of Randall's students at Poydras College, the poet wrote an elegy on the occasion of the boy's death on the battlefield at Oak Hill.[66] In a speech before the Louisiana Historical Society, May 17, 1905, Randall refers to two others who were killed.[67] That the feeling of the Parish should be specially intense is easily understood. The planters there owned an exceptionally large number of slaves. Together with other slave-owners they felt that the liberation of the negro without recompense was unjust, and that in any case it was dangerous. In their libraries were current numbers of *DeBow's Review*, recalling that Great Britain, on enacting the liberation of slaves in the dominion in 1833 reimbursed the slaveholder.[68] De Bow also reflected the planters' indignation over the fact that New Englanders, who, a generation or so before, had grown wealthy in the slave trade, should now cry for abolition.[69] One writer pointed out that Longfellow himself, author of the "incendiary" *Poems on Slavery*, lived in a house where previously had dwelt one who had engaged in the slave trade and sold his captives into bondage in the South.[70]

In Pointe Coupée Parish, the fear of a negro insurrection was as acute as the resentment at the economic injustice of abolition. At the time of the slave uprising in Santo Domingo, 1790 to 1793, many of the French colonists fled from there to Louisiana.[71] Their stories of massacre were probably still being told in Randall's day around the fireside. Many people were still living who remembered the well organized slave insurrection that started in Saint John the Baptist Parish in Louisiana in 1811.[72] This was only a few miles down the Mississippi river from Pointe Coupée. In the early thirties, near Natchez, Mississippi, John A. Murrell began organizing a negro rebellion.[73] This great criminal con-

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[66] "Placide Bossier," *ibid.*, 118. See also p. 20, note 6.

[67] *Publications of the Louisiana Historical Society*, IV (1908), 172. The two men that Randall named were Leopold Armand and John Laurent.

[68] *De Bow's Review*, XXVIII (1860), 541.

[69] *Ibid.*, 14.

[70] *Ibid.*, XXVI (1859), 366.

[71] Fortier, *Louisiana* (Cyclopedic) II, 23.

[72] *Ibid.*

[73] Augustus Q. Walton, *A History of the Detection, Conviction, Life, and Designs of John A. Murel* [sic], *the Great Western Land Pirate, together with his System of Villany and Plan of Exciting a Negro Rebellion.*

ceived a black empire in the South with himself as head. He began a secret hierarchy of negroes and renegade whites with a plan to free the slaves, massacre the slave-owning white men, and enslave the white women. In Pointe Coupée Parish itself, beginning on the plantation of the very man, Julien Poydras, who had endowed the college where Randall was teaching, there was a slave uprising in 1795, which is a topic of conversation to this very day.[74] Among the people of the South, where in many places the negroes far outnumbered the whites, talk of abolition started a forest fire of emotion.

Among those fanning the conflagration were New England politicians, journalists, and preachers like W. H. Seward, William Lloyd Garrison, Horace Greeley, Phillips Brooks, Wendell Phillips. In the account of a meeting of such reformers, the New Orleans *Daily Crescent* reported their demand on Congress "to protect abolitionists in their attempts in the slave states to incite negroes to insurrection."[75]

Still more inflammatory were various New England poets. Longfellow had written a ballad about a slave-owner who, for the love of gold, sold his own quadroon daughter.[76] Another of his poems likens the slave to Samson; one day, it warned, they would raise their hands and shake the pillars.[77] Lowell referred to the slave-holders with epithets like "law-shielded ruffians."[78] Whittier wrote of "the mean and tyrant South," and "the weak Southron's pride and lust,"[79] and described the slave-owner as

> A squire or colonel in his pride of place,
> Known at free fights, the caucus, and the race;
> Prompt to proclaim his honor without blot,
> And silence doubters with a ten-pace shot;
>
> . . . . . .
>
> Yet never scrupling, with a filthy jest,
> To sell the infant from its mother's breast,
> Break thru all ties of wedlock, home, and kin,
> Yield shrinking girlhood up to gray-beard sin.[80]

To what extent such verse inflamed the South, where Randall was living, is suggested by articles in *DeBow's Review*. Longfel-

[74] Fortier, *Louisiana*, (Cyclopedic) II, 213.
[75] *Daily Crescent*, January 4, 1861.
[76] *The Complete Poetical Works of Henry Wadsworth Longfellow*, 28: "The Quadroon Girl."
[77] *Ibid.*, "The Warning."
[78] James Russell Lowell, *Poems*, 106: "On he Capture of Certain Fugitive Slaves near Washington."
[79] "*To Massachusetts*," quoted in Andrews, *op. cit.*, 213.
[80] *The Complete Works of John Greenleaf Whittier*, 398: "The Panorama."

low's poems, one writer answers, "are filled with the foulest exaggerations and breathe the most incendiary spirit."[81] Of Lowell another writer says that he was "of that pilgrim stock which enslaved alike the negro, the Indian, and the white man," and emphasizes the New Englander's "hard and grasping nature" and his "blind and reckless fanaticism."[82]

Of all incendiary utterances, H. R. Helper's *Impending Crisis* appeared at a time and under circumstances to fan the glow into sparks.[83] In this work, published in 1859, the author answered the Southern demand for compensation to slaveowners in the event of emancipation that such an idea "is preposterous. The suggestion is criminal. The demand is unjust, wicked, monstrous, damnable."[84] On the contrary, he reasoned that Southern land was much less valuable than Northern land, that the disparity was due entirely to slavery, and that as a result the slaveholder should be forced to pay the difference to the non-slaveholder.[85] To free the slaves Helper made eleven proposals to the general effect that slaveowners should not be allowed to vote and that they should be taxed for every slave in their possession.[86] The book is full of phrases referring to the slaveowner as "chevalier of the lash,"[87] "ruffians, outlaws, and criminals,"[88] "lost to all sense of true honor and patriotism."[89]

The book might have been passed over as emotional balderdash, but the South did not overlook the fact that sixty-eight members of Congress—one of them being John Sherman of Ohio who by only one vote missed being elected Speaker of the House—publicly endorsed the book in a circular.[90] The South knew also that a committee consisting of Horace Greeley, William Cullen Bryant, and Thurlow Weed were collecting funds for the free distribution of the book[91] The New Orleans *Daily Picayune*, one of the newspapers that James Ryder Randall was reading, printed such quotations from the work as "The South must be throttled" and called it "a malevolent and disgusting libel."[92]

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[81] *De Bow's Review*, XXVI (1859), 366.
[82] *Ibid.*, XXVIII (1860), 273.
[83] Hinton Rowan Helper, *The Impending Crisis of the South: How to Meet It.*
[84] *Ibid.*, 328.
[85] *Ibid.*, 126 ff, 227.
[86] *Ibid.*, 155 ff.
[87] *Ibid.*, 125.
[88] *Ibid.*, 156.
[89] *Ibid.*, 358
[90] *Daily Picayune*, December 4, 1859.
[91] *Ibid.*
[92] *Ibid.*

At the same time occurred the John Brown episode at Harper's Ferry. It was well known that Brown, in 1856, had attacked some slaveholders at Lawrence, Kansas, and killed five, and that soon afterward he killed a planter in Missouri and led eleven slaves to freedom, in spite of which the sentiment in the North thwarted his arrest and trial. Inflaming enough were these events and the revelation of Brown's plan to establish headquarters at Harper's Ferry whence he might start an insurrection of slaves. Far more inflaming was the news that he had the moral and financial support of prominent Northerners. Ralph Waldo Emerson called him "a pure idealist of artless goodness." Whittier wrote two poems, one of them alluding to Brown's attempt as "the Christian's sacrifice," and declaring that "round the grisly fighter's hair the aureole bent."[93] People of Massachusetts made contributions to his cause. The wealthy philanthropist Gerrit Smith called him "most truly a Christian," and gave him large sums of money.

To this persistent and ardent Northern support of a man who was obviously demented—and who actually was of insane parentage—Southern newspapers referred with considerable agitation. The New Orleans *Daily Picayune* reported that Brown was "a paid emissary of a group of abolitionists"[94] and named, among others, Gerrit Smith, Joshua Reed Giddings,[95] Doctor S. Q. Howe,[96] and W. H. Seward, who later became Lincoln's Secretary of State.[97] In the North, the *Picayune* observed,[98] Brown was an "object of unbounded veneration"; his execution was compared with "the death on Calvary."

Then followed, within a little more than a year, the election of Lincoln, on an anti-slavery platform and the withdrawal of most of the slave states from the Union. Louisiana voted for secession on January 8, 1861,[99] James Ryder Randall possibly casting a vote himself. Within three days New Orleans militia seized the Federal forts, Jackson and St. Philip, on the Mississippi River below the city, and Fort Pike on Lake Pontchartrain.[100] On the following day,

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[93] *The Complete Poetical Works of John Greenleaf Whittier*, 247, "Brown of Ossawatomie." The other poem is "The Sentence of John L. Brown," 360.

[94] *Daily Picayune*, January 25, 1860.

[95] *Ibid.*, Nov. 3, 1859.

[96] *Ibid.*, Nov. 24, 1859.

[97] *Ibid.*, Nov. 17, 1859.

[98] *Ibid.*, Dec. 2, 1859.

[99] *Cf. Daily Crescent*, January 8, 1861.

[100] *Ibid.*, January 11, 1861.

militia captured the Federal arsenal—the Pentagon as it is now called—at Baton Rouge.[101] "Haul down the United States flags!" was the order.[102] "And hoist the Pelican flag!"

After the organization of the Southern Confederacy, the states within the Confederacy began to look anxiously for the union with them of the border slave states. Still uncertain were Arkansas, Delaware, Kentucky, Maryland, Missouri, North Carolina, Virginia, and Tennessee. In Louisiana, most of the anxiety was directed to the state on its northern border. "What will Arkansas do?" was an uneasy caption in the Baton Rouge *Gazette and Comet* of February 23, 1861, which it was entirely possible Randall may have read. The New Orleans newspapers hopefully reported signs of secession, not only in Arkansas[103] and other neighboring states,[104] but even in Arizona and California.[105] As for Maryland, Louisianians felt confident of her sympathy. Baltimore was "remarkable," says an article in *DeBow's Review*, "for its . . . contempt and detestation of Puritanism,"[106] and the writer points out that Baltimore "has lately driven away a Black Republican convention that attempted to pollute her territory."[107] But Louisiana was disturbed over the hesitancy of the border states,[108] and emphasized that if those states did not secede, they would suffer from the new high tariff that was being imposed thru the influence of the North.[109] From February 23, 1861, when Texas, the last of the Gulf states, joined the Confederacy, until April 12, the South was waiting for the Lincoln administration to keep its promise[110] as to the evacuation of all Federal property in the seceding states. Newspapers reported the progress of the Confederate commissioners who were in Washington to offer indemnity for such property and help effect what the South hoped would be peaceful secession.[111] The abolitionist Secretary of State Seward, with whom the commissioners were dealing, proposed delays and aroused suspicion. All thru the South, recruits were organizing as soldiers for what Seward, suspected supporter of John Brown, had called the "irrepressible conflict." Every afternoon, in the open spaces of New Orleans, young men were drilling in the new military organizations: the Louisiana

[101] *Ibid.*, January 12, 1861.
[102] *Ibid.*, January 11, 1861.
[103] *Ibid.*, March 21, 1861.
[104] *Ibid.*, March 19, April 12, 13, 18, 1861.
[105] *Ibid.*, March 22, 1861; April 12, 1861.
[106] *De Bow's Review*, XXIX (1860), 290.
[107] *Ibid.*, 292.
[108] *Daily Crescent*, April 8, 1861.
[109] *Ibid.*, March 22, 1861.
[110] Baton Rouge *Gazette and Comet*, April 20, 1861.
[111] *Daily Crescent*, March 19, 1861.

Grays, the Cadets, the Independent Rangers, Crescent Rifles.[112] "Get ready for the fight," the *Daily Crescent* urged, "and meet it to the death when it comes."[113]

It came on April 12. When the South heard that, contrary to Seward's promise, relief ships were sailing from New York for Fort Sumter,[114] the first guns were fired. And it was Pierre Beauregard, a native of New Orleans, who directed the attack to secure Fort Sumter, within the borders of a seceding state, for the Confederacy.

Two days later, President Lincoln issued a call for 75,000 volunteers.[115] On April 19 the first of these volunteers, the Sixth Massachusetts, were passing thru Baltimore,[116] the same men who in a few weeks were singing:[117]

> John Brown's body lies a-mouldering in the grave,
> But we go marching on.

On Pratt Street near Gay they were met by a mob of citizens who cheered the Confederacy, waved the Southern flag before the Massachusetts troops, threw stones at them, and soon began scattered shooting with pistols.[118] The soldiers returned the fire. In the skirmish, four soldiers were killed, thirty-six wounded. Twelve citizens were killed, a large undetermined number wounded.[119] As the train bearing the Massachusetts troops passed the outskirts of the city, a dry-goods merchant, Robert W. Davis, unaware of the riot that had just occurred in the city, and watching the train glide by, raised a cheer for the South. Several of the soldiers fired at him from the train and killed him.[120]

The next morning Southern newspapers were ablaze with the news. The New Orleans *Daily Crescent* screamed with headlines:[121] "Northern Troops Moving Southward"—"They are Attacked by the Baltimoreans"—"Railroad Tracks Torn up and Cars Stoned"—"The City Military Openly against Lincoln." And most important of all, as the South thought and as the headline stated, Maryland was "All Right!"

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[112] *Daily Crescent*, January 12, 14, 15, 1861.
[113] *Ibid.*, January 11, 1861.
[114] *Ibid.*, April 12, 1861.
[115] *Ibid.*, April 16, 1861.
[116] George William Brown, "Baltimore and the Nineteenth of April, 1861", (Johns Hopkins University *Studies in Historical and Political Science.*)
[117] Brander Matthews, "The Songs of the War," *Century*, XXXIV (1887), 623.
[118] Brown, *op. cit.*, 46 *ff.*
[119] *Ibid.*, 53.
[120] *Ibid.*, 52.
[121] *Daily Crescent*, April 20, 1861.

During the night those papers were carried by packet up the Mississippi river and into the bayous, leaving a wake of renewed excitement wherever they were delivered. The next day Randall was at the steamboat wharf seven miles from Pointe Coupée and read the news.[122] One of his schoolmates, he noted, had been wounded in the Baltimore encounter with the Massachusetts troops. His Southern blood, he said, mounted "to fever heat."[123]

During the drive back to the college thru the warm Louisiana spring and during the evening under the massive live oaks around the building, Randall's soul was kindling with the inspiration that was to make him immortal. That night he could not sleep, he later said;[124] about midnight he rose, lit a candle, and went to his desk. Some powerful spirit, he later wrote, appeared to possess him.

Soldiers from Massachusetts! The spirit of old René Leblanc, now a part of the young poet, was beginning to speak. The nebulous curtain of history had risen again on the Acadia of 1755. Soldiers from Massachusetts with pointed bayonets surrounded the small band of the French—men, women, and children. The stern Puritan officer spoke: "Your lands are forfeit." Randall's great-great-grandfather, the gentle, story-telling notary, was answering: "We hope that you will not plunge both ourselves and our families into a state of total loss, . . . that you will withdraw your troops from our districts." But the soldiers drove the weeping, praying prisoners to the sea and set the torch to their homes.

The young poet seized his pen and wrote:

> The despot's heel is on thy shore,
> Maryland!
> His torch is at thy temple door,
> Maryland!
> . . . . . .
> Thou wilt not yield the vandal toll;
> Thou wilt not crook to his control;
> Better the fire upon thee roll,
> Better the shot, the blade, the bowl,
> Than crucifixion of the soul.
> Maryland! My Maryland!

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[122] *Publications of the Louisiana Historical Society*, IV, (1908), 172.
[123] *Ibid.*, 173.
[124] *Cf.* Matthews, "The Songs of the War," *Century*, XXXIV (1887), 621.

THE NEW ORLEANS GENERAL STRIKE OF 1892*

By ROGER WALLACE SHUGG

The first general strike in American history to enlist both skilled and unskilled labor, black and white, and to paralyze the life of a great city occurred in New Orleans in November of 1892. More than 20,000 men, who with their families made up nearly half the population, stopped work for three days. Despite wild alarm and the threat of military intervention, there were no riots or bloodshed. It was an orderly demonstration for union recognition, the right to bargain collectively, and a preferential closed shop. The failure of the strike did not detract from its significance: it was the climax of the strongest labor movement in the South during the last century. New Orleans was almost as well unionized as any other city in the nation. Here labor reached its high water mark in the South, and in the crucial year of 1892 waged an economic battle as symptomatic of popular discontent and ambition as the larger political crusade of Populism. To understand this proletarian uprising it is necessary to trace briefly the origin and development of working-class organization in New Orleans with some regard for the changing but always difficult position of labor in the South.

I

The Old South was naturally hostile to combinations among workingmen. It was agricultural, not industrial, and the cultivation of the most productive land was mainly in the hands of people whose race designated their caste as one of involuntary servitude. Because the South was dominated by slavery and plantation agriculture, it lacked the free labor, cities, manufactures, and extensive commerce which have been historically prerequisite to the formation of proletarian guilds. Trades unionism could not take root where trades were few, and those of a manual nature, accessory to plantations, and commonly supplied by slave artisans.

* This paper was read before the third annual meeting of the Southern Historical Association at a session held in Chapel Hill, N. C., Nov. 19, 1937. It is drawn largely from the files of contemporary New Orleans newspapers, to which specific citations are omitted because of the necessary condensation of material.

But wherever towns grew into cities, there could be found the freedom and division of labor characteristic of unionism. Especially was this true of New Orleans, metropolis of the lower Mississippi Valley, a city in but not wholly of the South. Here unions arose among the skilled white workers even in the days of slavery. The earliest to leave any record was a Typographical Society, established by the printers in 1810, and permanently revived in 1835 to enforce uniform wages and prices. Eighteen years later, delegates were sent to Pittsburgh to participate in the organization of the International Typographical Union, which is still in existence. Strongest of all local crafts in the South was the Screwmen's Benevolent Association, established in 1850 by a hundred New Orleans stevedores who performed the highly skilled operation of "screwing" bales of cotton aboard transatlantic packets. In gangs of five they commanded a joint daily wage of $13.50, and advanced this rate without a strike but through a monopoly of labor to an ante-bellum peak of $21. Two companies of Screwmen's Guards, proudly mustering 350 soldiers, fought for the Confederacy. Except for mechanics at Baton Rouge, however, the screwmen and printers were the only crafts in Louisiana to organize before the Civil War.

In Southern cities it was almost impossible to unite the jealous elements of labor, colored and white, bond and free, native and foreign-born, divided among themselves, suffering the competition or disabilities of slavery, and isolated from their fellows in the North. Organization was anomalous to a slaveholding society which believed status rather than contract to be the natural order of its working class. The Old South boasted that slavery made it immune to labor trouble; there might conceivably be servile revolts, but never a strike. That employers were not disposed to bargain with workers of one race when they owned so many of another was revealed by a casual but significant incident. Mississippi River steamboat-owners induced the Louisiana Legislature to outlaw marine and wharf strikes and authorize the arrest of agitators for "tampering" with crews as if they were recruited from slaves. So long as human bondage was the law for one race, workers of different color were in peril of losing their liberties and being swept into the orbit of slavery.

The Federal occupation of New Orleans in 1862 brought new favors and unprecedented power to native white labor. It drew subsistence from military doles and public works. From ten to

forty thousand poor people, of whom three in every four were white, depended on the army commissary for food throughout the War. Several thousand workingmen were beneficiaries of the high wages fixed by military decree. Under these circumstances a number of short-lived unions arose to support the Free State party in an abortive attempt at reconstruction. Many artisans sat in the convention of 1864, and in response to a petition from 1,500 laborers, wrote into the constitution a generous schedule of minimum wages on public works. Because this movement was largely political, a hot-house plant cultivated by General Banks, it collapsed at the end of the War.

White labor was depressed by the economic and political troubles of reconstruction. Its unhappy plight may be briefly illustrated by incidents ten years apart. In December of 1865 the carpenters established a union, unskilled workers a benevolent association, mechanics and laborers united in mass meeting to demand an eight hour day, and white and colored longshoremen together went on strike for higher wages. Ten years later, the panic of 1873 threw thousands out of work, and the animosity engendered by carpetbag government led to race riots on the levee, where the negro was willing to work for half what the white man claimed he needed to live. Employers took advantage of this racial difference in standards of living wherever it was economically feasible. When at last they required the votes of white workingmen to overthrow the carpetbaggers, whites were hired instead of blacks, but at the same low wages. White supremacy was a political and social creed; it never saved labor from being paid as little as the negro.

The Civil War emancipated the slave but failed to define the measure of his new freedom, and likewise the liberty of any worker, black or white. For thirty years after Appomattox, especially during the sorry years of reconstruction, the South was preoccupied with a fourfold quest for home rule, the restoration of agriculture, industrialization, and—underlying all the others—a practical definition of free labor. The rights and duties of the last concerned the white worker nearly as much as the colored, for they were economic rivals in Southern cities, frequently in the same occupations, skilled and unskilled. The questions which wanted solution were how far employers might extend the stigma and penalties of colored to white labor, and to what lengths by way of reaction the latter would dissociate themselves from the former.

Labor in Louisiana met the competition of unorganized negroes by two interesting expedients. In crafts like those of the cotton trades, where freedmen threatened the integrity of wages, they were organized into affiliated associations by the screwmen and yardmen, and bound to fill a certain but smaller proportion of jobs at no less than the white man's wage. Eventually the skilled negro came to share this work almost equally with whites, and the standard of living of both races was mutually protected. For nearly a generation after the War a daily wage of $6 was maintained, and this liberal remuneration was enjoyed in 1892 by over 1,000 white and nearly as many colored screwmen. No other craft followed the example set by the cotton trades of keeping a monopoly of labor divided between the two races.

The Knights of Labor inaugurated a new form of racial co-operation in the 'Eighties with their characteristic assemblies of workers, skilled and unskilled, colored and white, organized in geographical districts. By 1887 they boasted twelve assemblies in New Orleans and thirty outside. It was the sugar plantation negroes who rallied to the Knights and led to their eventual undoing in Louisiana. The local prestige and power of this mushroom organization was destroyed in 1887 by a disastrous strike in the Teche sugar fields, where 5,000 negroes were reported to have joined District Assembly 194 of the Knights. On November 1st, at the height of the grinding season when the whole cane crop was at stake, they refused to work because planters would not increase their wages. To all white people, however, it was not a question of wages but of negro organization, reminiscent of reconstruction; and the strike was everywhere regarded as a racial insurrection. Eight companies of State militia, whose expenses were privately defrayed by the Planters' Association, policed Lafourche, St. Mary, and Terrebonne, while landed proprietors began to evict workers from their cabins, threatening them with starvation, and arranged to import strike-breakers of both races. Within three days the negroes returned to the cane-fields and sugar houses. They were not subdued without some violence, and ring-leaders were first jailed and then run out of the parishes to avoid lynching. The white Knights in New Orleans condemned these summary tactics, but their power, national as well as local, was on the wane. Not until the general strike was another attempt made to organize the negro, and then in crafts by the American Federation of Labor.

The twenty-five years after Appomattox were the seed-time of the labor movement in Louisiana. Unions arose and disappeared, only to rise again; none but those in the cotton and printing trades preserved an uninterrupted existence; yet one by one, with increasing momentum after recovery from the panic of 1873, the skilled crafts organized. In 1880, there were twenty unions in New Orleans, which joined in the creation of a Central Trades and Labor Assembly. Economic unrest grew as the century wore on, because workers became dissatisfied with prevailing wages and hours. There were epidemics of strikes in 1880 and 1887. The working-class awakened to a sense of its power, if organized, in trades too numerous to mention. It was ready in the 'Nineties to expand the traditional definition of free labor.

II

The general strike was foreshadowed in the spring of 1892 by the struggle of street-car drivers, first for shorter hours and then for a closed shop. This union, established in 1870, had long fought in vain against the sixteen hour day required on railways. It was an "anachronism" so late in the nineteenth century, admitted conservative newspapers, and the employers consented to shorten it to fourteen hours, or even to twelve if wages were cut. With a favorable public opinion, and almost all the utility employees organized, the car-drivers easily won a trade agreement which conceded a twelve hour day at regular wages and prohibited any discrimination against members of the union.

This guarantee was soon violated by the leading companies. Organized employees were penalized for every offense, large or small, but the unorganized became notorious as "company pets." The last straw was the dismissal on frivolous charges of the sixteen workers who had sponsored the twelve hour movement. The apparent policy of the street railways, to divide and rule, demoralized their employees and undermined the union in which they had found security and strength to improve working conditions. The sole alternative to its eventual disruption, and consequent loss of any concerted bargaining power, was thought to be a preferential closed shop: only union men to be hired whenever available: this was the logic of the dilemma to which the railway presidents, who had recently banded together, reduced their employees. Accordingly, the car-drivers went on strike in the third week of May, 1892.

Both capital and labor were deaf to the Mayor's immediate plea for arbitration. Each side summoned to its support every interested ally with a grim resolution to settle the issue of a closed shop conclusively and thus establish a precedent for other trades. Labor felt itself stronger than ever before. Sentiment in favor of a sympathetic strike swept the rank and file of other unions, and was checked only by the conservative leaders who took charge of the car-drivers' fight. This was the first crisis in which New Orleans crafts stood ready to risk the existence of all for the preservation of one. No less united were the railways. They had the natural sympathy of prosperous citizens who were outraged by the demands of labor and inconvenienced by the curtailment of street transportation. More effective allies were the newspapers. All except the *Item* gave head-lines to disorderly incidents, colored them with the appearance of anarchy, condemned the Mayor for his refusal to allow the police to be used as strike-breakers, called for the militia, and attributed to labor a conspiracy to usurp the traditional prerogative of management—the power to hire and fire employees without let or hindrance. Fearful of losing this essential control, a committee of fifty merchants from the Board of Trade and commodity and security exchanges, representing the commercial capital of New Orleans, came to the aid of the railways. They also denounced the strike, refused to consider arbitration, and appealed for the military protection of property.

The cry for force can be explained only by the fervor with which employers desired to crush the strike, because there was no serious disturbance of the peace. The merchants were too powerful to be denied: if they could not obtain the militia at once, they might rely on the local courts. The officers of the car-drivers' union were arrested on the charge of violating a reconstruction conspiracy law of 1870. While the case was never pressed, it served the purpose of bringing the strikers to terms. Both capital and labor were stalemated, the former by the Mayor, the latter by the court, and arbitration was the obvious solution. With Mayor Fitzpatrick acting as chairman and casting the odd vote consistently for labor, the car-drivers snatched from the struggle a preferential closed shop.

Although this strike lasted but a week and involved less than a thousand workingmen, it set the pattern of the general strike. Capital and labor had come to grips in organized array. A dispute between the car-drivers and railways had involved all large em-

ployers and unions. The issue which brought them into conflict was no less acute in other trades. The question for the future, and soon to be answered, was whether New Orleans would become a city of the closed shop.

Toward this end, spurred on by the car-drivers' victory, labor extended and consolidated its forces. The campaign of the American Federation of Labor for additional unions, inaugurated early in the year when Samuel Gompers appointed local organizers, met with quick success. Thirty new associations were chartered, raising the total number to ninety-five, and over-confident leaders boasted that they would soon muster every workingman in the city. As the movement spread, it also achieved greater unity. The Board of Labor Organization Presidents, created solely to deal with the street railways, gave way in the summer months to a democratic but centralized Workingmen's Amalgamated Council. It consisted of two delegates from each of forty-nine unions affiliated with the A. F. of L., and represented a membership of over 20,000 laborers.

The Council was as strong in numbers and skills as the Board of Trade, commodity and security exchanges in property and influence. A clash was inevitable between these federated bodies of labor and capital because they divided the economic jurisdiction of New Orleans without agreement as to their respective functions and spheres of interest. The growing unrest of labor during the summer brought the eventual conflict closer. It was noticeable that workers demanded recognition of their unions as well as better hours and wages. Upon the latter agreement could be reached within the customary bounds of benevolent, paternal management with its unilateral power; but for the former—union recognition, and its twin, the closed shop—there was no historic precedent.

III

What led directly to the final struggle was the strike of the so-called Triple Alliance, made up of three recently organized A. F. of L. unions, the Teamsters, Scalesmen, and Packers. A minority of these workers were negroes, whose economic interests united them with whites. The peculiar strength of their combination in the Triple Alliance lay in the fact that they performed the manual labor essential to moving the internal commerce of New Orleans. When business was at a peak, on October 24, 1892, between two and three thousand men left their jobs, because the Board of Trade

refused to grant them a ten hour day, overtime pay, and—chief bone of contention as with the car-drivers—a preferential closed shop.

Both parties to the controversy were well prepared to fight it out. The merchants had enlisted many allies: the four railway systems entering New Orleans, the cotton, sugar, and rice exchanges, the clearing house, and mechanics' and dealers' exchange. A defense fund of several thousands of dollars was on hand. Conduct of the strike was entrusted to a committee of five merchants from the Board of Trade. Their strategy was to appeal to the Governor and courts for whatever legal and military action might be necessary to curb the unions and preserve the property rights of management. To meet this formidable opposition, which promised to be political as well as economic, the Triple Alliance relied upon the support of the Workingmen's Amalgamated Council. If necessary, every craft would assist them, declared President Leonard, because the strength of unionism and perhaps its survival depended on the extension of the closed shop. Direction of the strike was placed in the hands of five men, not one of whom represented the Triple Alliance. Conservative leaders of the oldest unions, the screwmen, printers, and longshoremen, including a negro, controlled the Labor Committee.

For a week the Board of Trade refused to recognize the existence of a Triple Alliance and played out the farce of hearing complaints from individual employees. Then the Labor Committee, moved to action by the indignation of the rank and file, called a general strike. The Board of Trade was at once persuaded by other employers to meet the union leaders, and an agreement was reached to resume work pending a final settlement. The Labor Committee recalled its general strike order with evident relief. But in a few hours the situation was worse than ever, because many laborers failed to return, some employers refused to restore them to jobs already filled by others, and mutual accusations of bad faith made both sides bitter and suspicious. The merchants now insisted that every man should resume work before arbitration could even be considered. Their position was ironic and indefensible: ironic because it taxed labor with a control of men which it would not grant, and indefensible because the unions desired to arbitrate the controversy immediately. Since the merchants were recalcitrant, the Labor Committee appealed to the Amalgamated Council for advice.

Again a general strike was ordered and again it was postponed. This time the delay was in response to a plea from the Mayor and City Council to meet the merchants under their auspices in a last attempt at reconciliation. It failed miserably: tempers ran high, and the Mayor was rebuffed as a labor politician. The unions were still ready to arbitrate, but the Board of Trade invited a test of strength by refusing to discuss or settle the Triple Alliance strike until it was cancelled. There was nothing left for labor to do except to meet the challenge, and accordingly a general strike was finally set for Monday morning, November 7. During the week-end the unions polled their members in heated meetings which generally ratified the strike order. Despite such eagerness for a demonstration of strength, the Labor Committee did all in its power to avoid it. The hour of the walk-out was twice postponed, first to noon, and then to six o'clock, in the vain hope that the Governor would intervene to force a settlement. But pleas to this official for a hearing of both sides to the dispute were of no avail, since he could hardly command it in the high state of public temper.

On Tuesday, November 8, the long threatened general strike went into effect. Over 20,000 men from forty-two union locals stopped work. The demonstration enlisted about half the organized crafts in New Orleans. It may nevertheless be designated a general rather than a sympathetic strike, because not only was business almost at a stand-still, with bank clearings cut in half, but each union on strike demanded recognition and a closed shop, and in many cases, like that of the sugar refinery workers, added special claims for hours and wages. It was also a strike of skilled crafts in sympathy with the unskilled white and colored workers of the Triple Alliance. The outstanding fact of the strike was that capital and labor were pitted against one another and committees of five represented and controlled each side. Except for the street-car drivers and printers, however, no union with a trade agreement broke its contract to join the movement. The powerful cotton trade unions remained at work; and their Cotton Exchange employers abstained from any overt cooperation, financial or otherwise, with the Board of Trade. Among the organizations participating in the strike were two of novel type: associations from lower middle class occupations, the musicians, hat, clothing, and shoe clerks, and certain kinds of labor in the utilities, such as gas and water workers and electric light trimmers, of whom a few had been recently organized with full appreciation of the indispensible character of their services.

As in every serious strike, newspapers and the general public feared and prophesied a reign of anarchy. The Governor, Murphy J. Foster, was especially apprehensive that the interruption of vital services like gas, electricity, and street railways would lead to violence. At his behest, the Labor Committee ordered resumption of all utilities, only to be twice defied by the workers. Then the merchants asked the Mayor to operate the utilities with special deputies, and offered to pay their wages; he refused on the grounds that his power was limited "to the preservation of peace and good order," and could not be used to "force men to work." Mayor Fitzpatrick was again in the position that he had assumed during the car-drivers' tie-up, unwilling to make strike-breakers of the police, or to augment their number to terrify strikers. The Mayor's stand was ambiguous, and confirmed his reputation for being strongly sympathetic to the cause of labor. The merchants kept the small police force of 250 men busy with many and frequently needless calls. Under such pressure, the Governor at last persuaded Fitzpatrick to call for special deputies. But fifty-nine citizens responded, for the public had been advised by conservative newspapers like the *Times-Democrat* not to heed the Mayor. He was condemned out of hand and pilloried as one who ought to be impeached. His defence was to point to the police record to prove that they had been able to preserve order. With the grand jury in session, there were only fifty-seven arrests, including those of obscene language; and after the strike was over, even the conservative press denied that there had been violence—no arson, murder, or robbery—nothing but an occasional case of battery and assault. It was not what actually happened, however, but the hysterical fear of what might happen that the newspapers and merchants played upon to arouse the public and discredit the Mayor.

Capital and labor were equally to blame for refusing to arbitrate the main issue of the strike, a preferential closed shop. Since the unions were weaker, they tried constantly to settle by negotiation every question of hours and wages, but only through recognition and consultation of their organizations. Because the Board of Trade was stronger, it welcomed even as it had invited the strike, and purposely obstructed its early settlement. The merchants were arrogant, reckless, and blind to every economic or social consideration except their own interest, which they identified with the welfare of the city. It is easy to understand but difficult to condone their actions. If the strike was successful, they believed

that labor would pass beyond the control of management, and wages advance to a level ruinous to the survival of New Orleans business, engaged since 1880 in a losing commercial struggle with other seaports. Merchants were therefore convinced that it was necessary for the prosperity of their city to crush trades unionism, and there would never be a better opportunity than in this general strike. Employers were united, every newspaper except the *Item* vociferously behind them; their defense funds were large; Northern and Western industrialists were sympathetic, ready to contribute, and watching the struggle with a lively sense of how its conclusion might affect labor relations elsewhere; planters and farmers in the country parishes, as rural editors and ex-Governor Warmoth testified, were apprehensive lest the virus of labor organization infect the negro and spread to plantations. Under these favorable circumstances, the Board of Trade, by the confession of leading members, took strong measures to defeat the strike. They raised the cry of anarchy, treated Mayor Fitzpatrick as if he were the ring-leader of labor, and scorned every plea that he made for arbitration. They called for the operation of the utilities, again by their own admission, chiefly to demoralize and discourage the strikers, and even to provoke enough salutary violence to require military intervention. With the assistance of the railroads they began to import strike-breakers, and telegraphed Birmingham, Memphis, Mobile, and Galveston for recruits. Finally, they offered to pay all the costs of the State militia, if the Governor would muster it in force, and proceeded in some mercantile houses to train their clerks for any contingency. In contrast to the aggressive opposition of the Board of Trade, the Labor Committee beat a gradual retreat. It repeatedly offered arbitration of every issue except its own recognition, and with almost any disinterested umpires, including members of the Catholic hierarchy.

The referee whom labor solicited persistently, always to be rebuffed, was Governor Foster. He was an astute politician who had been recently elected to the gubernatorial chair by a coalition of Democratic and Farmer's Alliance factions temporarily united against the recharter of the Louisiana Lottery. He had no economic understanding of labor's claims, and less political sympathy for the masses of New Orleans who had opposed his election. The strike afforded him an opportunity to make a bold stroke that would consolidate his position, increase his following, and advance his political ambitions. Whatever he did must win the approval,

not of the strikers, but of the planters, merchants, and indignant middle class. He bided his time until after the national elections, which came on the first day of the strike. He was visited by a succession of committees and individual businessmen from the banks, exchanges, and industries of New Orleans. Their pleas finally moved him to circumspect action: he would not serve as arbitrator, and bring down on his head like Mayor Fitzpatrick the wrath of one side or the other; nor would he call the merchants and labor chiefs into consultation lest they wrangle and ignore him. The Governor sympathized with the merchants, but sought to settle the strike with a semblance of neutrality. On the third day of the dispute he issued a proclamation, credited by the press with ending it, in which he ordered all citizens not to congregate in crowds and clearly implied that the militia would be summoned if the strike continued. Then he warned labor of possible bloodshed. It was, in effect, martial law.

Unless the unions dared to stake their existence upon a collision with the militia, the Labor Committee had no choice but to call off the strike. It was accordingly concluded at two in the morning of November 11th, hardly more than three days after it started. The end was hastened by the intervention of a disinterested, public-spirited citizen of great diplomatic ability, Mr. W. S. Parkerson, who worked out a formula acceptable to both sides. After two days of tedious argument he succeeded in modifying the conditions laid down by the merchants, which in his opinion were as "tyrannical as the ukase of a Czar." Wages and hours, it was finally agreed, would be adjudicated by immediate arbitration; and it was accomplished the next evening without difficulty by the two committees of merchants and union leaders. The Triple Alliance gained its original demands,—a ten hour day, overtime pay, and adjusted wage schedules.

But the closed shop was not mentioned, nor was any union recognized by name. Workers were to be restored to all jobs which remained open. Employers asserted their customary right to deal directly with individuals, and to hire and fire as they pleased. It was, in short, an open shop victory for the Board of Trade, and the report of the Labor Committee to the unions could scarcely gloss the fact. The merchants organized on a stronger and permanent basis; the Workingmen's Amalgamated Council carried on; and never again, as the *Picayune* observed, would business fear a gen-

eral strike. "The American doctrine," defined by the *Times-Democrat* as the prerogative of employers "to employ whomsoever they pleased," had been vindicated. The principal mission of the Labor Committee was henceforth to try in vain to find work for many black-listed strikers.

A curious aftermath of the strike was the suit entered in Federal Circuit Court against forty-four union leaders on charges of violating the Sherman Anti-Trust Act by a conspiracy to restrain trade. A month later, the case was indefinitely postponed, and before it was quashed, the District Attorney consulted with the Department of Justice in Washington. Samuel Gompers was alarmed, but few then realized the significance of this first application of the Sherman Law to labor unions.

The New Orleans general strike was over, and soon forgotten: it came a few months after Homestead and two years before Pullman in a decade marked by the increasing antagonism of capital and labor, to whose rising tide the struggle in New Orleans added a wave.

IV

One may search the annals of American labor history without finding any mention of this strike. The indefatigable pioneer researches of John R. Commons and his associates did not bring it to light, because they naturally paid scant attention to the agrarian South. A local historian is prone to exaggerate essentially local discoveries, and to attribute to them unwarranted national significance. We would not wish to fall into so presumptuous an error. But among the conclusions which can be legitimately drawn from this brief account are the following: the South, to judge by New Orleans, had craft labor movements smaller but similar to those in Northern cities; trades unionism in New Orleans was remarkable not only for its early origin, strength, persistence, and rapid development after the Civil War, but also for its racial accommodations; the general strike in 1892, if not defeated, would have marked the greatest victory of the American Federation of Labor in its early career, made New Orleans a city of the closed shop, and raised up urban allies for the rural Louisiana Populists; the logic of the suit entered against New Orleans union leaders under the Sherman Law was a precedent for the later prosecution of Debs in the Pullman Strike; and finally—if speculative reminiscence

may be indulged—the New Orleans general strike was not, either in the problems it raised or in the way it was conducted and defeated, without strong resemblance to contemporary strikes and controversy over the proper relations of management and organized labor in a political democracy.

BOOK REVIEW

Oliver Pollock: The Life and Times of an Unknown Patriot. By James Alton James. (New York: *D. Appleton-Century Company.* 1937. Pp. xiii, 376. $4.00.)

Reviewed by ROBERT J. USHER

Incredible as it may seem we have had to wait one hundred and fifty years for an adequate account of the life and times of Oliver Pollock, forgotten New Orleans patriot, hero and financier of the American Revolution. Indeed so little known is the life of this sympathizer with the American cause that it is safe to say that nine people out of ten asked at random today on the streets of New Orleans about Oliver Pollock would be obliged to admit ignorance. Dr. James Alton James of Northwestern University, after years of research through scattered records relating to Pollock, has now contributed the carefully annotated volume, supplied with a full bibliography, which gives us for the first time some idea of the important part played by Pollock in the American Revolutionary struggle. The volume follows logically, and in part grew out of, a life of George Rogers Clark written by the same author in 1928.

Oliver Pollock came of a liberty-loving Irish family which migrated from Coleraine to Pennsylvania in 1760, he then being 23 years of age. Oliver Pollock soon found himself entrusted with shipping responsibilities and ventured into the Spanish speaking regions of the West Indies. He attained remarkable success in business, acquired fluency in Spanish, and removed to New Orleans in 1768. Here he ingratiated himself with Governor O'Reilly originally by offering a cargo of flour at a low price when need was severe. For years he prospered in the bustling Spanish city, building up a great trade with interior posts far up the Mississippi River. He came to be an intimate of Governor Galvez after 1777 and by this time was actively aiding George Rogers Clark in his efforts to wrest the upper Mississippi region from the British. Throughout his career he did everything in his power to aid the American cause while serving as a loyal subject of Spain.

Dr. James' work outlines in great detail the influence of Pollock through the critical years of the American Revolution in enlisting the co-operation of the Spanish forces in New Orleans, which led to the capture of Manchac, Baton Rouge, Natchez, and eventually Mobile and Pensacola. Pollock understood fully the need of free navigation of the Mississippi and worked toward that end. He supported George Rogers Clark with financial aid in his successful efforts at Kaskaskia, Cahokia and Vincennes and in his unsuccessful attempt to capture Detroit. He sent gunpowder to the Eastern colonists at a time when the need was acute.

The diplomatic handling by Pollock of the delicate situation created by the American raider, James Willing, in his operations along the lower Mississippi River is very fully treated. The little used manuscript Pollock letters in the National Archives are drawn upon very liberally to show Pollock's relations with George Rogers Clark. An incidental note of especial interest is the evidence that Pollock was the first to use the dollar mark, $, a modification of the Mexican sign, P^s for pesos. This fact was apparently first pointed out by Professor Florian Cajori, at one time connected with Tulane University.

By 1781 through repeated advances of his own money for troops or for supplies, Pollock's resources were exhausted. Like the unfortunate Robert Morris, whose friend he was, he was threatened with imprisonment for debt. He had advanced Clark $140,000 and owed nearly $100,000 to his friends in New Orleans. He disposed of his possessions, his place of business, his home and his slaves while continually pressing his claims for repayment against the weak governing authorities of the state of Virginia and the United States of America. It was not, however, until after a period of several years that Pollock's claims were paid and then in part only.

Where shall we find the record of one more devoted and loyal in the cause of liberty? "I have laboured without ceasing," he wrote in 1782. "I have exhausted my all and plunged myself deeply in Debt, to support the cause of America, in the Hours of her distress and when those who called themselves Friends were daily deserting her." Louisiana may well be proud to have had so splendid and unselfish a patriot as one of its citizens. And we are fortunate in having at length this record made clear so far as Dr. James has been able to gather information. It is not to be

wondered that the author concludes after this study: "While it has been my desire to present a sympathetic interpretation of the personality and influence of Oliver Pollock, I have not approached the subject in an attitude of eulogy or defence. I have sought to interpret him through his own words and through the testimony of those who knew him personally. After these years of study I have come to the conviction that no man in our whole history more nearly represents the highest type of patriotism."

2e cont.

RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA
LXXV.

June-July, 1752.

(Continued from January, 1938, Quarterly)

By HELOISE H. CRUZAT
Marginal Notes by Henry P. Dart
(Revised by Walter Prichard)

By the Editor of the Quarterly

List of Officials of Louisiana participating in the work of the Superior Council of Louisiana contained in this installment:

De Vaudreuil, Pierre Rigaud Cavagnol, Governor

Michel de la Rouvilliere, Honore, Commissioner General of the Marine, Intendant, and First Councillor

D'Auberville, Vincent Guillaume le Seneschal, Commissioner of the Marine, Second Councillor, and acting Procureur General (due to illness of Fleuriau)

Fleuriau, Francois, Procureur General

Raguet, Jean Baptiste, Dean of the Councillors, and acting Procureur General (due to illness of Fleuriau)

Le Bretton, Louis Cesaire, Councillor Assessor, and acting Procureur General (due to illness of Fleuriau)

De la Lande d'Apremont, Charles, Councillor Assessor

Kernion, Jean Francois Huchet de, Councillor Assessor

Henry, Nicolas, Chief Clerk of the Superior Council and Notary

Membrède, Chevalier de, Town Major of New Orleans

Lenormand, Marin, Sheriff

Chantalou, Augustin, Clerk of the Superior Council and Notary

Garic, Jean Baptiste, Attorney and Notary

Gueydan, Jean Baptiste, Chief Surgeon of the King's Hospital

De Macarty de Mactigue, Commandant in Illinois

Rousselet de Boisroger, Lieutenant of Infantry, Adjutant and acting Procureur General at Kaskaskias

Buchet, Joseph, Judge and Subdelegate in Illinois

Chevalier, André, Procureur in Illinois

Barrois, Bertlot, Clerk of Court at Kaskaskias

Hélo, Attorney and Notary

June 1, 1752.

2½ pp.

De Ruisseaux, as tutor, vs. Le Bretton, for recovery of property belonging to heirs of Joseph Milon.

Petition to Mr. de Vaudreuil, the Governor, and to M. Michel de la Rouvilliere, Commissioner General of the Marine, Ordonnateur and First Judge of the Council, by Sieur de Ruisseaux, as tutor of the minor heirs of deceased Joseph Milon and Francoise Girardy, now his wife; stating to the Council that, being obliged to go up to Illinois, he had brought the minors and his wife, and he had sold a house, with the materials, lumber and shingles to complete it, to Sr. Le Bretton, Councillor Assessor, on condition that the said purchaser would have it taken off the lot. He (de Ruisseaux) left him the privilege of using a cabin, a poultry house and the lot, which was well fenced in; and moreover about two hundred stakes, which he left him to replace the missing ones. Le Bretton agreed and held himself to keep up the lot, and to sell it in the same condition it was given him, at the first occasion, according to their engagement under private seal on February 11, 1745. On his return with his wife and the minors, Mr. Le Bretton told him that he was no longer in possession of said lot, which Mr. Le Normand, once Commissioner of the Marine, had conceded to M. Membrede, Major of New Orleans; no doubt because it had not been kept up as the petitioner left it, which he had no right to do, for Mr. Milon's titles were in shape, the site having been given him by the Company. Said titles were remitted to M. Membrede by Engineer Broutin. He prays that Mr. Le Bretton, considering his agreement, be held to turn over to the petitioner the site consisting of twelve lots, belonging to the Milon minors, and hereon intervened decree of the Council on date of July 5, 1751. The petitioner appeals to your justice, stating that he rendered account of his administration of the goods of the minors in Illinois. By decree of September 4, 1751, he was sent back before you to obtain justice for the said land. Wherefore he prays that Mr. Le Bretton be cited, to be compelled to return the twelve lots, to have recourse against M. Membrede, if he judges proper. Signed: Deruisseaux.

Order for investigation.

June 1, 1752 Order that the said petition and the vouchers be communicated to Mr. Dauberville, Procureur of the King. In this case he will give his conclusions in writing, the whole to be reported, to be thereon ordered what is just. Signed: Vaudreuil; Michel.

Margins of document ragged.

1½ pp.

June 6, 1752.—Seen the petition of Joseph de Ruisseaux, plaintiff, in the name of the minors, to MM. de Vaudreuil and

Judgment rendered.

Michel, Governor and Ordonnateur in this Colony, on June 1st, Le Bretton is condemned to remit to said de Ruisseaux the twelve lots owned by the minor children of Joseph Millon and of Marie Francoise Girardy, now married to de Ruisseaux. Mr. Le Breton will prove that the said block (isle) was in good condition as to fences and surrounding ditches, when conceded to M. Membrede. He is condemned to pay to Mr. de Ruisseaux the said quantity of lots, as tutor of the Millon heirs, which will be appraised by an expert. Signed: D'Auberville.

4 pp.

Le Bretton prays for reversal of above judgment.

June 25, 1752.—Petition to M. de Vaudreuil, Governor, and M. Michel, Ordonnateur, by M. Le Bretton, who prays for reversal of judgment concerning ground situated in the rear of the City, owned by the Millon minors. Defendant acknowledges that he had obligated himself to remit the lot in the same condition which he had left it, and this clause is mentioned in their agreement under private seal, but Mr. Le Bretton never used the land in any way whatever, when M. de Membrede asked for the concession from MM. de Vaudreuil and Le Normant. There were then missing some pickets in the fence and windows in the cabin. He took the liberty of observing to these gentlemen that this land was not in the case of reunion to the domain of His Majesty, and he offered to replace the pickets and to repair the cabin. MM. de la Croix and Sr. du Bayou at the same time presented a petition, stating that it was the property of minors, and made the same offers, but the land was conceded. However, there were some blocks (isles) conceded to individuals, on which there was not a picket of fencing, and which thereby seemed more in the case of reunion. They were satisfied with notifying these proprietors that if they were not inclosed within six months they would be given to others. This considered, petitioner prays to be discharged from de Ruisseaux' pretensions, since he raised nothing on it; besides, Sieur Deruisseaux feels the injustice of the demand so well that he explained that he called Le Bretton into the case in order to be discharged towards the Millon minors. It would be indifferent to him if the King granted him land elsewhere to indemnify him. Wherefore he prays that Sr. Deruisseaux return the seal and that it be annulled. Signed: Le Bretton.

Document in beautiful script.

3¾ pp.

Desruisseaux vs. Girardy.

(Document filed with this case): Excerpt from the Registers of the Session of the Council of September 4, 1751. Sr. Joseph Desruisseaux, plaintiff and accountant, vs. Joseph Girardy, grandfather and

tutor ad hoc of the minor children of deceased Joseph Millon and of Marie Francoise Girardy, defendant: Seen by the Council the decree of last January 9th, ordering a family meeting; that of February 3rd, approving account rendered by M. Desruisseaux, notified to M. Girardy on March 17th of the present year, and to the accountant March 23rd, with the transactions approved and confirmed by the Council; accounts and attestation of Sr. Dubreuil of number of effects confounded in the inventory made at Mobile at the time of the death of Joseph Millon, father of said minors, owned in part by Mr. Dubreuil in partnership for an enterprise in common, and on the 22nd of March of this year, the whole having been examined, the report of M. Raguet, Commissioner in this case, and conclusions of the Procureur General, Council has homologated said reports, and orders elimination and reduction to be made of a sum of 15,245 livres, 10 sols, on contents of inventory of deceased Joseph Millon, first husband of Marie Francoise Girardy, now wife of Joseph Desruisseaux. The account presented by Sr. Desruisseaux will remain closed and settled in receipt as well as in expense as it stands, for the balance as well as returns on negroes to be divided between the Widow and her children; and moreover to appeal to the Governor and Ordonnateur for land owned by Millon succession.
Signed: By the Council; Henry, Greff.
Received ten livres.

Notice served on Girardy.

October 16, 1751.—By virtue of the decree rendered, on petition of Sr. Joseph Desruisseaux, resident at Bayou St. John, Sheriff Lenormand has left copy of said decree to Sr. Joseph Girardy at his domicile in New Orleans.

June 8.

1 p.

Report of Surgeon Gueydon on wound of Louison.

Criminal Trial for Assassination:—Report of the Chief Surgeon of the King's Hospital: I, the undersigned, Surgeon Major of the Hospital of the King in this Colony, having been required to see and examine a negress named Louison, owned by the King, in whom I found a wound situated in the anterior and exterior part of the collar bone, on the right side, three inches deep, which wound appears to be inflicted by a sharp instrument, which I certify as true; in testimony of which I have delivered the present certificate, to serve and avail as need may be. At New Orleans, June 8th, 1752.

1 p.

June 8, 1752.—I, the undersigned, Surgeon Major of this Colony, having been requested to see and examine a negress

Report of Surgeon Gueydon on wound of Babet.

named Babet, owned by the Ursuline Ladies, to whom I found a wound situated in the superior part of the sternum (breast bone), penetrating about two inches in the chest, which wound was made by a sharp instrument, which I certify as true; in testimony of which I have delivered the present certificate, to serve and avail as need may be, at New Orleans, on June 8th, 1752. Signed: Gueydon.

Complaint of Membrede and petition of the Procureur General against Pierre Antoine Dochenet.

June 12, 1752.—On Complaint of M. de Membrede, Major of the place, the Procureur has demanded the imprisonment of Pierre Antoine Dochenet, for attempt to assassinate two negresses; one Louison, married to Baptiste, owned by the Hospital of the King; and the other, Babet, who is a slave of the Ursuline Ladies. He prays that a commissioner be appointed, and that, accompanied by the Greffier, he go to the Hospital to receive the declaration of the wounded and the complaint of the Mother Superior, and the Mother at the Hospital, to be reported to the Comptroller of the Marine, for the one belonging to the King. The accused to be interrogated, the bayonet deposited at the corps de garde; that witnesses be cited before the Commissioner on the facts and circumstances; after the inquiry, such conclusions to be taken as shall appertain. Signed: Fleuriau.

Permit for inquiry.

June 12, 1752.—Permit for inquiry before M. Raguet, Commissioner, interrogation of wounded negresses, slaves of the Ursuline Ladies and the King, and of the criminal, the whole to be reported, to be ordered thereon what is just. Signed: Michel.

Document charred, lines cut through.

2 pp.

Interrogation of Dochenet.

June 12, 1752.—Interrogation of Dochenet, on order of M. Michel, General Commissioner of the Marine, following petition of the Procureur General of the King, plaintiff and accuser, of Pierre Antoine Dochenet, in M. de La Houssaye's Company, aged about twenty-four years, baptized in the Roman Catholic religion. States that he does not know why he was imprisoned, as he was under the effect of liquor and did not know what he was doing. Told that eight days ago he was on the river bank opposite the Convent and that he wounded two negresses with his bayonet, he said that he did not remember doing that. Asked if the negresses' refusal did not make him stab them, he answered he did not. Interrogated if before going near the water he did not go

to the Barracks to get the bayonet, he answered that he did not know. Questioned again, he said that he only remembers leaving with his friend to go to the canteen, that he then had no bayonet, and that if when drunk he went and got it, he does not remember. Asked what reason he had to wound these negresses, he answered that he has no knowledge of having wounded any one; that he does not remember it; that these negresses were not his enemies; that, far from it, when he was in the hospital they took care of him. To all questions he answered that he did not remember, that it was the jailer who told him of it. Asked if when he was in fury he did not pursue a negress who rushed into the water up to her neck, he said he did not remember it; if he did not oblige one of the negresses to ask forgiveness on her knees, and on her doing so he fell on her with his bayonet, he said that he knew nothing of it; and they could question him, that being dead drunk he was brought to prison, he knows not why. His interrogation being read to him, he said that it was the truth, maintained it, and declared that he could not write nor sign, wherefore inquiry following the ordinance. Signed: Raguet; Henry, Greff.

1¾ pp.

Citation of witnesses.

June 12, 1752.—By Virtue of the order given by M. Michel, Commissioner General of the Marine, Ordonnateur and First Judge, on petition of the Procureur General, plaintiff and accuser, residing on Royal Street, Sheriff Marin Lenormand has served notices of citation on Sr. Guillaume Renard, soldier of M. de la Barre's company, domiciled at the Barracks; on Sr. Antoine Berry, of de Montberaut's Company, domiciled at the Barracks; on Sr. Badon, Surgeon at the Hospital; on Francois, a negro of the Hospital; on Francois, negro of Madam Brantan; and (illegible), negro of Mr. Couturier, to appear before Commissioner Raguet, to answer on the stabbing of two negresses with a Bayonet, in default of which they will be condemned to pay a fine of ten livres. Signed: Lenormand.

8¾ pp.

Testimony of witnesses.

June 13, 1752.—Inquiry before Councillor Jean Baptiste Raguet, Commissioner in this case, against Pierre Antoine Dochenet, defendant and accused: Testimony of Guillaume Renard, in garrison in this City, aged twenty-eight years.

2nd witness, Antoine Berry, Soldier of Monberaut's Company, in garrison in this city, aged twenty years.

3rd witness, Joseph Badon, surgeon's employée at the Hospital, in Daubry's company, aged 18 years.

4th witness, Mathieu Mulquet, soldier of M. de Chavoye's company, aged twenty-four years.

5th, Francois, negro slave of the Nuns, aged twenty-five years, who recognized him as a soldier who had long been a patient at the Hospital.

6th, Francois, a Creole negro of this Colony, owned by Widow Brantan, aged twenty years.

7th witness, Marianne called Manon, Creole negress owned by Le Quintrek's succession.

Signed: Raguet; Henry, Greff.

4 pp.

Proces verbal of declaration of the two wounded negresses.

June 13, 1752.—Proces Verbal of the declaration of the two wounded negresses, on order of M. Michel, Commissioner General of the Marine, below the complaint of the Procureur General. Jean Baptiste Raguet, Commissioner in this case, went to the Hospital of the King, adjoining the Convent, accompanied by the Greffier of the Council. We asked the Ladies of the Hospital, who are Reverend Mothers Xavier and Madeleine, to show us said negresses, and having brought us to a cabin in the yard of the Hospital, where lived Babet, and finding her on her bed, we interrogated her and received her declaration in broken words and without sequence. The said Ladies and the Surgeon told us she was in this condition since the assault, with high fever, and that they are momentarily awaiting death. In another cabin, we found Louison, wife of Baptiste, Surgeon's aid; they were dressing many wounds inflicted by Dochenet. She said that eight or ten days ago she was washing, when she saw Dochenet trifling on a piece of lumber, cutting it with his bayonet. She did not understand what he was saying, and a moment later she saw a man stab her with a bayonet in her stomach. He began to curse because she asked him why he was trying to assassinate her, whereupon he gave her blows on the head, on the body and hands, saying he would assassinate her; but having a hat on her head and a strong coset, she did not receive as many wounds, and that she tried to flee to the Convent, but he cried to her: "On your knees and beg me pardon". She answered that one asked pardon only of God; nothwithstanding, she fell on her knees and said: "Padon, Monsieur"; he stabbed her several more times, and during that time the other negresses ran to the Convent crying: "They are assassinating us; a soldier is chasing us with a bayonet." At this moment Baptiste, her husband, and a Frenchman ran to their help. They escaped, excepting Baptiste, who was wounded in the hand. Other persons came and brought him to the Hospital, where he cursed so terribly that he was brought to the guard house; which she said was all she knew.

And being questioned she persisted that it was the truth; in testimony of which this proces verbal was drawn up. The said negress declared that she could not write nor sign, wherefore inquiry following the ordinance. We then asked the Nuns of the Hospital if they intended to make their declaration or denunciation against said Dochenet. They answered that neither their community nor themselves wished in any way to be mixed in this affair; on the contrary, if they could save this man's life they would ask for it; that they preferred to lose their negress than to do anything against charity or their neighbor, and they would not sign; wherefore inquiry. Done at the Hospital on said day and month at ten o'clock in the morning. Signed: Raguet; Henry, Greff.

3¾ pp.

Arrest and imprisonment of Dochenet.

June 17, 1752. Decree of bodily apprehension against one Dochenet, on demand of the Procureur General of the King. Seen by the Council the petition of the Procureur General, in form of complaint of the present month; order given at his request permitting inquiry against accused; interrogation on the facts resulting from the facts of the same day; the proces verbal, in the form of a declaration of the two negresses, the interrogation of Dochenet, the inquiry and testimony of seven witnesses; the report of the chief surgeon of the King; the conclusions of the Procureur General of the King, and the report of Raguet, Commissioner in this case. The Council has decreed bodily apprehension against Pierre Antoine Dochenet, and imprisonment in prisons of this City, and in consequence orders that he be interrogated again on the facts resulting from the charges, inquiry and all else on which the Procureur General wished him to be heard. That the witnesses heard in said inquiry will be re-examined and confronted with the accused, the whole to be reported to the Council, to be ordered thereon what is just. Signed: By the Council; Henry, Greff.

1½ pp.

Order for confrontation of witnesses.

June 17, 1752. Order for confrontation of witnesses with the accused, Pierre Antoine Dochenet. Signed: Michel; Dauberville; Raguet.

Document falling to pieces.

8 pp.

Second interrogation of the accused.

June 19, 1752. Second Interrogation of Dochenet at 7 o'clock A M. As in the first interrogation, he remembered nothing; even when brought to prison he knew not the cause. He declared that he did not know how to write nor sign, wherefore inquiry, following ordinance. Signed: Raguet; Henry (paraph), Greff.

2½ pp.

Notices of citation of witnesses before the Criminal Chamber.

June 20, 1752. By Virtue of a decree rendered by the Superior Council on the 17th instant, Sheriff Marin Lenormand served notices on the different witnesses to appear in the Criminal Chamber of the Council, to be confronted with the accused, Dochenet, in default of which they will be fined ten livres. Signed: Lenormand.

6 pp.

Re-examination of witnesses.

June 21, 1752. Re-Examination of witnesses. Signed: Raguet; Henry (paraph), Greff.

Document in shreds.

8 pp.

Confrontation of witnesses.

June 21, 1752. Confrontation of witnesses with the accused. Signed: Raguet; Henry (paraph), Greff.

Order to communicate to Procureur General.

June 21, 1752. Order to communicate to the Procureur General. Signed: Raguet.

Final interrogation of Dochenet.

June 26, 1752. Final Interrogation of the accused, Pierre Antoine Dochenet.

This document is in shreds and cannot be handled.

Conclusions of the Procureur General in the criminal suit against Dochenet.

June 26, 1752. Conclusions of the Procureur General, in suit against Pierre Antoine Dochenet. Seen by us, suit criminally instituted against Pierre Antoine Dochenet, on our demand, for attempt to assassinate several negresses, for ambush with intent to kill with a bayonet; our petition, in form of a complaint on June 12th, and the order rendered thereon; the present interrogations of the accused of the same day; the proces verbal of the declarations of both negresses, drawn up on June 13th of the present month; the inquiry of the same day, June 13th; the report of Sr. Gueydon, Surgeon Major of the Hospital, of June 8th of the present year and month, on Babet and Louison; Our conclusions of June 17th; the decree of bodily arrest of the said accused on June 17th, carrying that he will be entered on the Registers of the prison, to be interrogated again, before witnesses, witnesses to be re-examined and confronted with the accused; imprisonment of the same day, June 17th; interrogation of the accused, June 19th; confrontation of witnesses with the accused on June 21st; and all that has entered the suit, duly considered; I demand for the King that Pierre Antoine Dochenet, prisoner, be duly charged and convicted of the crime of reiterated and premeditated assassination, ambush, and stabbing with

a bayonet, in reparation of which, let him be hung and strangled by the public executioner until death ensues, the gallows, for this purpose, to be erected in the public square; each and all of his goods in this country to be confiscated to the profit of the King, and condemned to costs. Signed: Fleuriau.

Judgment.

June 28, 1752. Judgment of condemnation against Dochenet. Signed: Michel; Dauberville; Le Bretton, Huchet de Kernion; Raguet; Henry (paraph), Greffier.

Many documents in this file are falling to pieces; some have crumbled and cannot be handled. The first document in the case is dated June 8th and the last June 28th.

June 14.

1¼ pp.

Dubreuil vs. de la Pommeraye.

Petition to Superior Council by Sr. Claude Joseph Villars Dubreuil, hearer of account, vs. Sr. Loquet de La Pommeraye, accountant: The hearer thought he had finished, but he is obliged to claim a young negro, son of Sausy and of Morille, whom Sr. de La Pommeraye would wish to eliminate from the succession, having accredited to said Sosie (Sausy) and Morille three children when they had four. Said Joseph is a negro boy about seven or eight years old, and makes with the other twenty slaves an added one to be sold for the profit of the said succession. Signed: Villars.

Notice served on de la Pommeraye.

June 14, 1752. On Petition of Sr. Joseph Villars Dubreuil, domiciled in his father's house, Marin Lenormand, sheriff and usher in the Superior Council, residing in New Orleans, where he has elected his domicile, has served notice, and left copy of above petition to Sr. Guillaume Loquet de La Pommeraye, domiciled on his plantation, speaking to him personally, which was certified. Signed: Lenormand.

June 22.

2¾ pp.

De Verbois and De Lhomme vs. Du Bois

Petition to the Superior Council by Srs. Dominique Deverbois and Charles Joseph Delhomme,* officers in this Colony, acting for their wives, Marguerite and Laurene Chauvin Deléry, and Sr. de Lhomme, as Attorney for Sr. Francois Chauvin Deléry, his brother-in-law, stating that the act passed before Mr. Henry, Notary, in 1748, that Sr. Louis Dubois had acquired from him and his sisters four male negroes, Pieces d'Inde, for 4000 livres, at the majority of the vendors, and to the ladies at their marriage. On demand for payment Dubois said that he would pay when his crop was gathered. The creditors gave him the time demanded. Sr. Dubois sold all his boards, and they can touch

nothing; wherefore they beg for permit to cite Sr. Dubois before the Council, in order to be condemned to pay said sum, interest and costs. Signed: De Lhomme; Deverbois.

*(Note:—In text it is "de Lhomme", but Laurence Chauvin de Léry married a "de L'Hommer".)

Permit to cite.

June 23, 1752. Permit to cite, signed: Raguet.

Notice served on Du Bois.

June 23, 1752. Notice served on Sr. Du Bois, at his domicile, on his plantation, speaking to him personally, to appear before Council at its next session, and left them copy of petition of Srs. de Verbois and De Lhomme, acting for their wives and also under procuration of Sr. Francois Deléry. Signed: Lenormand.

Last page of document torn.

Answer of Du Bois.

July 1, 1752. Sr. Dubois has the honor to state that he cannot at present pay his obligation, owing to the weather and his misfortunes: the death of one of the negroes in question, who died three months after the sale; to meet his engagements he was willing to sell his plantation, but missed the sale owing to the parties refusing to give him six months delay. The plaintiffs should not find this term too long, as they are recompensed by the 10% interest, which he pays yearly. If the negroes are taken and sold anew, they will not be sold, owing to their advanced age they will not bring one-half the price he paid; wherefore he prays that a delay of six months be granted him for half of the debt, and six months more for the other half, offering to pay interest until full payment. Signed: Dubois.

June 26.

No. 1315. 1 p.

Judgment rendered in suit of Delmane, Baron & Louis Leclere, called Belhumeur, vs. Roconcourt. Signed: Michel.

Judgment.

June 27.

Account rendered by Widow Brunet, née Jeanne Hubert, to Claude Chenet, husband of Louise Brunet, of succession of Francois Brunet, her father.

11 pp.

Account and receipt.

Receipt given to Jeanne Hubert, widow of Francois Brunet, for account rendered by her, on petition of Claude Chenet. Signed: Hélo, representing Widow Brunet.

Copy left with Claude Chenet by Sheriff Lenormand.

Document slightly charred in parts, but in plain script.

June 27.

2 pp.

Petition of recovery.

Petition to Superior Council by Sr. Dupare, for citation of Gonzales, to be condemned to pay him a note for 645 livres, dated March 16, 1746, interest thereon and costs. Signed: Garic, procureur.

Citation.,

June 27, 1752. Order for citation, signed by Raguet.

Notices served.

June 27, 1752. Notices served on Sr. Dupare and Gonzales, at their domiciles, in New Orleans, Sr. Gonzales in Sr. Provenché's house; to appear before Council, next Saturday, July first, to answer on Sr. Dupare's petition. Signed: Lenormand.

Margins of document ragged.

(No date).

2 pp.

A Fragment of judgments rendered by Council. Signed at top and bottom of page: Michel.

(This fragment is charred, with script entirely missing in parts.)

June 30.

1 p.

Petition for sale of a plantation and a house and lot.

Petition to Superior Council by Sr. Maret, Captain of troops maintained in this Colony, for permit to sell a plantation. The plantation is on this side of the river, descending, two leagues from New Orleans, and moreover a lot situated in the City, with a house and kitchen on (blank) Street. Signed: Garic, for petitioner.

Family meeting ordered.

Considering petition, the Council orders that a family meeting be called before Councillor Raguet, in the presence of the Procureur General, to be ordered what is just. Signed: Michel.

July 1.

3 pp.

Answer of Le Roy to complaint of Widow Salles.

Defense before the Superior Council by Captain Charles Le Roy, of Martinique, vs. Catherine Le Jeune, Widow Salles, now married to Bernard Louis Potin, petitioner on June 23, 1752.

4 pp.

Petition of Widow Salles vs. Le Roy.

June 23, 1752. Petition of Catherine Le Jeune, Widow Salles, now wife of Bernard Louis Potin, for execution of the judgment which was rendered solidarily, during his absence, at St. Pierre, of Martinique, December 14, 1737.

Citation served on Widow Salles.

June 27, 1752. Notice of citation served on Mrs. Bernard Louis Potin, formerly Widow Salles, at her domicile, elected in New Orleans, in the house of Mr. La Couture, by Sheriff Marin Lenormand.

July 1. **Session of Superior Council** of July 1, 1752. Judgments rendered in the following cases:

No. 1318. 3½ pp. Benoit de St. Clair vs. succession of Madam Gervais.

1. Sr. Benoit de St. Clair, plaintiff, vs. succession of deceased Mrs. Gervais, defendant: Sends parties to plead before M. Noriega.

Devins and de L'Hommer vs. Dubois.

2. Sr. Devins and Delhommer (de L'Hommer), plaintiffs, vs. Sr. Dubois, defendant: After hearing the case, the Council has granted a delay for full payment; defendant condemned to bear costs.

Madam Potin vs. Charles Le Roy.

3. Madam Louis Potin, plaintiff, vs. Charles Le Roy, defendant: Demand dismissed and plaintiff condemned to bear costs.

Petition for homologation.

4. Sr. Jacques Cantrelle, petitioner for homologation, with approval of the Procureur General: Homologation of advice of friends, in default of relatives, and permit to sell slave heretofore mentioned.

Villars vs. de la Pommeraye. (Councillor Le Bretton retired).

5. Sr. Villars, plaintiff, vs. Sr. de la Pommeraye, defendant: Council has ordered parties to submit defense and vouchers in the case, before M. Raguet.

Settlers of Pointe Coupée vs. Pierre Germain.

6. (Illegible; appears to be suit of several settlers of Pointe Coupée vs. Pierre Germain): The Council has reduced the sum claimed to 200 livres. The sum of 125 livres in the memorial produced is reduced to five livres, by the Procureur General of the King. The Council has awarded 300 livres to the Judge of the Place for other judicial fees.

Dupart vs. Gonzales.

7. Pierre Delisle Dupart, plaintiff, vs. (name torn: Sr. Gonzales, defendant): Council has ordered that parties be cited again before them at next session.

Cholant vs. Jean Bromand.

8. Cholant, plaintiff, vs. Jean Bromand, defendant: (Illegible) . . . Costs on defendant.

The document, which is badly torn, is signed: Michel.

July 1.

9 pp. (Copy).

Session of Superior Council.

Session of Superior Council: Were present MM. de Vaudreuil, Governor; Michel, General Commissioner of the Marine, Ordonnateur and First Judge; Dauberville, Commissioner of the Marine and Second Councillor; Le Bretton, Delalande and Kernion, Councillors Assessors; the Procureur General absent on account of illness. Judgments rendered in the following cases:

1½ pp.

Benoist vs. heirs of Madam Gervais.

1. Sr. Benoist de St. Clair, plaintiff, vs. the heirs of Catherine Beaudreau (Widow Gervais) and Michel Forestier, co-heir and Curator of the minors, who appears as defendant: Seen the petition of Benoist de St. Clair of May 29th; the petitioner being in Illinois when he was informed of Widow Gervais' death, said deceased being indebted to him to the sum of 3768 livres, 6 sols, following his accounts, he gave his procuration to Sr. Bienvenu, who had Sieur Langlois cited as former tutor of the minors and asked him to produce books, vouchers and letters of the plaintiff, whereon intervened the decree of July 5, 1749, on which the Council passed, after ordering vouchers to be shown. As said Bienvenu did not remain long in this City, he did not prosecute, and even at this date the said plaintiff cannot obtain execution of the said decree, owing to the fact that Sr. Prevost, one of the arbitrators, is not often in New Orleans, and that Sr. Langlois, tutor at the time, died, and that some of the minors were emancipated under the curatorship of Forestier, who is charged with the funds of her succession; wherefore he demands to be allowed to have said Forestier cited, to compel him to pay to plaintiff the sum of 3768 livres, 6 sols, with interest and costs, unless the Council sees fit to order the decree of July 5th executed in its form and tenor; the accounts and vouchers being remitted to MM. Le Sassier and Nouguez, merchants of New Orleans, Sieur Prevost being absent, and in case of contestation, the parties are allowed to take Mr. Olivier de Vezin as arbitrator, as he was named Syndic of the said succession. Considering the account produced and certified by Sr. Benoist, on the 29th of last May, and the defense of Sr. Forestier that the letters written to said deceased Widow cannot establish the debt, and that if she held a deposit the plaintiff should have made an acknowledgment which would have verified it. The Curator does not deny what was sent, but maintains that she fulfilled the obligation by paying the debts of the plaintiff, in sending him the returns on the remainder, citing the sixth letter, in which she writes: "I send you 1200 livres, and 2000 which I have previously sent you, which amounts to 3200; there is enough to pay, as you well know"; and the defendant concludes of a final judgment of discharge of the claims of plaintiff, and that he be condemned to pay costs, "dam-

ages" and interest. Case heard, the Council sends the parties to appear before MM. Le Sassier and Nouguez, as arbitrators, and in their default Mr. Olivier de Vezin, super-arbitrator, before whom the parties will produce their report, on which what is right will be adjudged. Costs pending.

De Verbois and de L'Hommer vs. Dubois.

2. MM. de Verbois and Delomer (de L'Hommer), Officer of the troops in this Colony, married to Marguerite and Laurence Chauvin Deléry, Sr. Delomer (de L'Hommer) also holding procuration of his brother-in-law, Sr. Francois Chauvin Deléry, plaintiffs, vs. Sr. Dubois, settler and defendant: Seen the petition of 23rd and 26th of last June and the petition passed before M. Henry, May 27, 1748. Sr. Dubois acquired from Sieur and Misses Deléry four male negroes (pieces d'Inde), for 4500 livres, payable at their majority, and for the young ladies at the time of their marriage. On demand for payment, said Dubois promised to pay after the crop "of his mill", which he did not do, as he sold his planks and has until now got nothing for them; wherefore they pray that he be cited, in order to be compelled to pay 4500 livres as capital and 450 livres of interest, and to bear costs, and moreover they ask that movables of defendant be seized if he does not pay in eight days after notice is served. Sr. Dubois shows that he cannot fill his obligation, owing to misfortunes, and that he has even lost one of the said negroes; but he will sell his plantation if they will grant him a delay of six months, which the plaintiffs refused. He then offered to pay for half of the slaves in six months and the other half six months later; that, besides, they are well recompensed by the interest of 10% which he pays every year. The Council has granted the said delay; however the bond will be in force until full payment of the capital, and Dubois shall pay interest and costs.

Catherine Le Jeune, Widow Salles, vs. Charles Le Roy.

3. Catherine Le Jeune, Widow Salles, now wife of Louis Potin, plaintiff, vs. Charles Le Roy, Captain of the "St. Pierre", of Martinique, defendant: Seen the petition of Madam Potin and the sentence rendered by the Council of Fort St. Pierre of Martinique on date of December 14, 1737, for payment of a sum of 30,000, to which were condemned solidarily Claude and Jacques Le Jeune, Danglade, La Gardette, Forcusson, Magon, Leogeol, Charles Le Roy and the said Rebuty, for her abduction with her six children in December, 1735, at night, by armed force, in the boat "Le Postillon", commanded by Le Roy, who transferred her to "Mobille". She complained of ill treatment, which began in this Province, and instituted a criminal suit which was dismissed by M. Salmon, Commissioner, Ordonnateur; she now asks that the sentence be executed and that Sr. Le Roy furnish security for the sums mentioned in the

decree, and that he be bodily apprehended until full payment of the said sum. The Council has dismissed the case and condemned the plaintiff to pay costs.

Jacques Cantrelle, as Curator, petitioner.

4. Jacques Cantrelle, as Curator of Marie Anne Dinan, widow of Jean Cariton, petitioner: See the petition, and the order by Michel to convene a family meeting, and, in default of relatives, of the friends of said Widow and the said deceased. The Council has homologated said advice and allowed sale of a young negress, who appears to be a libertine, to help liquidating the debts of the succession, and to hire other slaves.

Dubreuil vs. de la Pommeraye.

5. Sr. Villars Dubreuil, Jr., married to Jeanne Catherine La Boulaye, plaintiff, vs. Sr. de la Pommeraye, married to Jeanne Trudeau, Widow La Boulaye, mother of Catherine La Boulaye, defendant: Before final judgment the Council orders both parties to name, each on their side, an expert and an arbitrator, to proceed, before Councillor Raguet, to the estimate of the rent paid for the slaves during eight or nine years, and the price at which they may have been valued, according to their age and qualifications, and order replevin of the position existing, it being well understood that the slaves contested will not be touched. Costs pending.

Several settlers of Pointe Coupée vs. Pierre Germain.

6. Ruling made by the Council on a suit between several settlers of Pointe Coupée, plaintiffs, vs. Pierre Germain, inhabitant of said place, defendant: The Council has yet to decide on three points in the suit presented May 6, 1752; in the claim of 278 livres, which was reduced to 200 livres; that of 125 livres in memorial of first proceedings, reduced to the sum of 5 livres; that of 745 livres. The Council has adjudged the sum of 300 livres to the Judge of the Place, following which both parties will be considered to have liquidated, and are forbidden to repeat proceedings on the said affair.

Delisle Dupart vs. Gonzales.

7. Sr. Delisle Dupart, plaintiff, vs. Sr. Gonzalles, defendant: Seen the petition of Sr. Dupart, showing that Sr. Gonzalles owes him 645 livres on a note dated March 18, 1746, in favor of La Brosse, transferred in the same year, and not being able to obtain payment, had the defendant cited before the Council for the amount of the note, interest and costs: Council rendered judgment in default against defendant, wherefore he shall be cited again at the next session. Costs pending.

Chouteau vs. Love.

8. René Choutaud (Chouteau), plaintiff, vs. Jacques Love, defendant: Seen the petition presented by plaintiff, showing that Love owes him 130 livres for board, as per note of December 16, 1750, wherefore defendant has been cited to appear before Council at the next session. The Council has condemned Love in default, and ordered that he be cited again. Costs pending.

Chouteau vs. Hynard.

9. René Choutaud (Chouteau), plaintiff, vs. Jean Hynard, defendant: Seen the judgment in default obtained by Chouteau against the defendant, May 6th, proving debt of defendant to the amount of 338 livres, 10 sols; wherefore Council has again rendered judgment in default against defendant, and ordered that he be cited again at its next session. Notice served on defendant by Sheriff Lenormand of his condemnation to pay Chouteau 250 livres, as per his note of August, 1751, and costs.

Creditors of succession of Jacques Lorains vs. Brazillier, as Curator.

10. Marthe Coussine, Widow of Jacques Lorains called Tarascon; Joseph Desruisseaux, resident at Bayou St. John; and Pierre Revoil, merchant of New Orleans, petitioners: Following said petition, the petitioners are creditors of the succession of Jacques Lorains for several sums. Louis Brazillier called Touranjot, Curator of the succession, is notified and condemned to report sums, vouchers, papers and notes of said succession, to be given to creditors, before the Council, division to follow according to proofs, titles and vouchers to be remitted to M. Raguet, and to be paid a marc to the livre.

(Translator's note:—The marc was worth about half of the livre, i. e., eight sols; the livre was worth twenty sols.—H. H. C.)

Maret asks permission for sale of property.

11. Sr. Maret, Captain of the troops in this Colony, for permit to sell a plantation in New Orleans and the house thereon; Council has ordered that a family meeting be convened before M. Raguet and the Procureur General of the King, to be ordered what shall appertain.

Huchet de Kernion asks that family meeting be convened and a contradicter appointed.

12. Sr. Huchet de Kernion, Councillor Assessor, petitioner, as tutor of Antoinette Rivard, minor daughter of deceased Sr. Antoine Rivard, and of Dame Antoinette Villemont, his wife, there being children of this marriage, and "wishing to settle his affairs during his life", that there be no cause for contestation between his heirs and those whose goods he has administered;

wherefore he prays that a contender or opposer be appointed, that he may render account of his tutorship and administration of the goods of his ward, Antoinette Rivard; moreover, that a family meeting be convened to give their opinion on her emancipation and to receive and debate the accounts in his hands. Heard the conclusions of M. Le Bretton, Councillor Assessor, acting as Procureur General of the King in the absence of M. Fleuriau due to illness, the Council allows family meeting to be convened, in the presence of Councillor Raguet.

July 1.
4 pp.
Benoit de St. Clair vs. succession of Widow Gervais.

Excerpt from Registers of the Superior Council: Sr. Benoit de St. Claire, Knight of the military order of St. Louis, Marine Captain, plaintiff, vs. heirs of the succession, Catherine Beaudreau, Widow Gervais, defendant: Seen the petition presented by Sr. Benoist, showing that plaintiff was commandant at Illinois when he heard of Madam Gervais' decease. She was indebted to him for 3768 livres, according to his accounts. He gave his procuration to Sr. Bienvenu, who on the strength of it had Sr. Langlois, tutor of the minors, cited in order to produce the books, vouchers and letters concerning plaintiff's account, following which there was a decree by Council in July, 1749, by which it was ordered to submit to MM. Prevost and Le Sassier, arbitrators appointed, all vouchers pertaining to the account, and in case of discussion to name another empire over them. The decree has not been executed, owing to Mr. Prevost's frequent absence; that, moreover, Sr. Langlois died and the minors were emancipated under the curatorship of M. Forestier; wherefore he prays that M. Forestier be cited, to be ordered to remit the sum of 3768 livres, interest and costs, if Council does not prefer the decree of July 5, 1749, to be executed in its form and tenor. In consequence, vouchers shall be remitted to Le Sassier and Nouguez, Sr. Prevost being absent, and in case of disagreement Sr. de Vezin named as super-arbitrator. The Council has sent the parties to submit their case to the arbitrators, and Sr. Olivier as umpire above them, in case of disagreement, to be ordered what is just. Signed: By the Council; Chantalou, Greff.

Received five livres.

Notice served.

July 5, 1752. Notice served on Sr. Michel Forestier, Curator, at his domicile in New Orleans by Lenormand.

July 1.
½ p.
Judgment.

Judgment rendered in case of Sr. Le Bretton vs. Deruisseaux, condemning Sr. Le Bretton to pay for said lot, or to replace it by another site, of the same size in the city. Signed: Michel; Vaudreuil.

July 1.

3½ pp.

De Verbois and de L'Hommer vs. Dubois.

Excerpt from Registers of the Superior Council in case of de Verbois and de Lomer (L'Hommer), acting for their wives and for their brother-in-law, Francois Chauvin Deléry, plaintiffs, vs. Sr. Dubois, who in May, 1748, promised to pay 4500 livres for four negroes, at the time of their majority or their marriage, which he failed to do. Defendant asks for a delay of six months, when he will sell his plantation, and the Council grants the delay and orders him to pay in six months one-half of the sum due and the other half six months later, the bond however to be valid until full payment. Sr. Dubois to bear all costs. Signed: By the Council; Chantalou, Greff.

July 1.

3 pp.

Defense of Charles Le Roy vs. Widow Salles.

Defense before the Superior Council by Charles Le Roy, Captain of the "St. Pierre" from Martinique, who is surprised to find himself implicated in a criminal proceeding, instituted by the plaintiff (Madam Potin, previously Widow Salles) against him and many others. He arrived here in 1736, and was accused by her of absconding with her, of which she complained to M. de Salmon, who had him arrested at Mobile. He exonerated himself by producing the different orders he had from M. Logeot, owner and outfitter of his ship, who ordered him to embark her to bring her here, and for this purpose her own brothers brought her aboard at night, under permit of the Governor, all of which were shown Mr. Salmon, who on seeing the vouchers granted him freedom and replevin on all the effects in his ship, which however, had not yet been seized. Mr. Diron answered for him, and the plaintiff returned to Martinique to proceed against her brothers, and though M. de Salmon demonstrated the defendant's innocence, a subaltern Judge's sentence condemned her brothers, the defendant, and Mr. Logeot to pay a sum of 30,000 livres solidarily and bodily. All this happened during the absence of the defendant, without his knowledge; the sentence that intervened he had no notice of until this day. Still he was in Martinique in 1738, 1740, 1742, 1749 and in 1751. They were not ignorant of it, since the plaintiff herself asked passage of Sr. Le Roy to come to this country, and on his refusal to concede it, was cited before the Commissioner, who had ordered him to embark her, and to whom he excused himself by telling him of the citation this woman had caused to be served on him before M. de Salmon.

In 1751 she again demanded passage of Sr. Charles Le Roy, who, not coming to these parts, solicited MM. Tizonneau and Duverger. At that time Sr. Charles Le Roy could more easily have justified himself, and would have appealed to the Council

of St. Pierre, calling in the brothers of the plaintiff, the order of Sr. Le Brach, the Governor, and those of his Superior. The sentence cannot have enough strength to enforce repetition of this sum, to which he was condemned solidarily, and which has probably been paid by others, and now that the whole may have been dissipated she falls on the defendant. Wherefore he prays that Catherine Le Jeune, previously Widow Salles, now Madam Potin, her suit thrown out of Court, be condemned to pay costs and damages. Signed: Charles Le Roy.

4 pp.

June 23, 1752. (Inclosed in previous document):

Petition of Madam Potin for arrest of Le Roy.

Petition of Catherine Le Jeune, Widow Salles, now wife of Bernard Louis Potin, for execution of sentence of December 14, 1737, carrying interest and a sum of 30,000 livres against Claude and Jacques Le Jeune, Danglade, La Gardette, Forcusson, Magon, Leogeol (also written "Logeot" and "Logeol" alternately in the text), Charles Le Roy, and Madam Denuty, for abduction of Catherine Le Jeune and her children in December, 1735, at night and with arms, in the boat "Le Postillon", belonging to Sr. Logeol and commanded by Sr. Charles Le Roy, who feeling himself guilty, complained of the ill treatment she received, which gave rise to the criminal suit begun in this Province and which caused the petitioner to be sent to France in the "Comte de Maurepas", commanded by Gaillardy, in June, 1736, and as the petitioner has not been able to overtake Mr. Le Roy to obtain indemnity and damages, she prays for order that said sentence be executed and that in default of security, said Le Roy be bodily apprehended on said decree until full payment.

Permit to cite.

June 23, 1752. Permit to cite, signed by Michel.

Notice served.

June 27, 1752. Notice of citation served on Captain Le Roy, now in New Orleans, at his domicile elected in the house of M. La Couture, speaking to him personally, by Lenormand.

July 1.

2 pp.

Petition by Huchet de Kernion.

Petition by Sr. Huchet de Kernion, Councillor Assessor, for appointment of a curator and legitimate contradictor, as he is about to render account of affairs of Miss Rivard, who has reached her majority, requesting conclusions of the Procureur General of the King. Signed: Huchet Kernion.

Permit to convene a family meeting.

July 1, 1752. Council has given permit to convene a family meeting, following conclusions of M. Le Bretton, during Fleuriau's illness, and report thereon to be made. Signed: Michel.

July 1.
1½ pp.

Petition for suspension of sale of slaves of Cariton succession.

Petition to Superior Council by Jacques Cantrelle, Curator of Marianne Dinan, Widow Cariton. He has assembled friends of said Widow and of deceased Cariton concerning pension of the Widow, who is without means, and prays for homologation of their advice to suspend the sale of the negroes, which would leave her without any resource, and that she hopes to be able to pay debts of said succession. However, the Curator consents to the sale of a young negress who seems to be a libertine. Signed: Cantrelle.

July 1.

3 pp.

De la Boulaye heirs, vs. de la Pommeraye.

The Hearers claim the land, of which the sale was cancelled. Sum of 300 livres will be allotted. Rent for slaves since eight years to be examined: how long they worked, owing to their tender years or to their advanced age, and what comes to each accounted for, as the hearers can claim but one-fourth of the whole. For the share accruing to Jean Baptiste de la Boulaye, who is absent, let it remain in the hands of M. de la Pommeraye, of which he will render account when procuration of said Sieur is sent. Costs to be borne by the succession.

Document in pieces.

July 1.
7 pp.

Petition and defense of Benoist de St. Clair.

Petition and defense of Sr. Benoist de St. Clair made by Garic, who holds his procuration. Repeats amount of credits and persists in conclusions taken. Signed: Garic, procureur.

Statement.

July 7, 1752. Costs of auction sale. Signed: Henry.

Notice served.

July 10, 1752. Notice of citation served on Sr. Benoist de St. Clair, in house of Widow Bruslé, where he has elected his domicile, by Lenormand.

Petition for homologation of sentence.

August 5, 1752. Petition to Superior Council by Sr. Benoist de St. Clair, showing that Council had sent the parties before MM. Olivier, Le Sassier and Nougues, arbitrators; that the same

arbitrators had rendered sentence and filed it in Registry of the Superior Council, where it stands at present; wherefore he prays that it be homologated and executed in its full contents. Signed: Benoist de St. Clair.

3 pp.

Answer of Fortier to petition of Benoist de St. Clair.

(No date). Replies furnished by Michel Fortier (other documents are in the name of "Forestier") to the answers of Benoist de St. Clair on date of last July 10th: "That to validate the letters mentioned in the answers it was necessary that they be inventoried, which was not done; consequently, the letters produced cannot be legal." Secondly, that in the letter of July 31, 1745, the plaintiff destroys what he advances above. He asks for accomplishment of the memoranda only in case she still has funds belonging to him, which shows that he believed them to be entirely absorbed, and that he was even in doubt if he had not a deposit from her. Thirdly, that Sr. Fortier has had to "repeat" the hire of a negro of whom Sr. Benoist took possession on March 5, 1745, and was returned August 25, 1749, i. e., four years, five months and twenty days, at 200 francs (livres), the lowest price that can be asked, which amounts to 900 livres. By what the defendant has demonstrated, Sr. Benoist's demands are not founded, and he asks that he be obligated to pay 900 livres for the negro, and that he bear costs. Signed: Fortié.

½ p.

Statement.

July 7, 1752. Returns on sales made for succession of deceased Madam Gervais, amounting to 177 livres, 10 sols.

Sentence of arbitration.

July 12, 1752. Sentence of arbitration between Sr. Benoist de Sainte Claire (St. Clair) and Michel Fortier, tutor of minor heirs of deceased Widow Gervais: Having examined letters written to Widow Gervais by Benoist and her answers, having noted the sums received, on our soul and conscience, we decide that there is due to Sr. Benoist, in this affair, the sum of 2900 livres by the succession of deceased Madam Gervais, which must be paid by Michel Fortier, tutor; the said sum paid, no more demands will be considered, all papers, letters and notes being null and void after execution of the present sentence. Signed: Olivier de Vezin; Nouguez; Le Sassier.

July 1.

2 pp.

Petition to Superior Council by Marthe Coussine, widow by a first marriage of deceased Jacques Lorrains called Tarascon; Joseph Des Ruisseaux, resident at Bayou St. John; and Pierre Revoil, merchant of New Or-

Claim by creditors of Tarascon succession.

leans, claiming that they are creditors of the succession of said Tarascon, viz: Marthe Coussine for 1200 livres, for her dowry; Des Ruisseaux, for sum of 940 livres; and Revoil for 534 livres, vouchers having been duly verified, wherefore they pray Sr. Tourangeau, curator of said succession, to make said division, as there are no other creditors. Signed: Garic, for petitioners.

Order.

July 1, 1752. Order to produce their titles before M. Raguet, in order to be paid. Signed: Michel

2½ pp.

Petition of recovery.

July 11, 1752. Petition by Claude Renaud called Avignon, merchant of New Orleans, showing that deceased Jacques Lorrains called Tarascon owes him as per his note of October 30, 1750, 277 livres, which the petitioner claimed from Sieur Brasillier called Tourangeau, as Curator of said succession, who refused to pay same, wherefore he prays that he may be cited before the Council, to compel payment of the note and costs. Signed: Avignon.

Permit to cite.

July 11, 1752. Permit to cite, signed by Raguet.

Notice served.

July 12, 1752. Notice served on Sr. Brasillier at his domicile in New Orleans, by Sheriff Lenormand, who left copy of petition, note and order, which was certified.

2½ pp.

Petition for recovery of a debt.

January 27, 1752. Petition of Sr.Des Ruisseaux for payment of a pirogue and three ox hides at 15 livres apiece, which he delivered to Jacques Lorrains and his son, before they left for Pensacola, wherefore he prays that they be cited, to compel payment of same. Signed: Garic, for petitioner.

Permit to cite.

January 29, 1752. Permit to cite, signed: Dauberville.

Notice served.

January 30, 1752. Notice served on Sr. Tarascon at his domicile, in the house of Sr. Gautreau, by Sheriff Lenormand.

July 7.

3¼ pp.

Letter, Delille to Roudes.

Letter to Mr. Roudes "au Missicipy" by Fontanne Delille, noting an error of 600 livres in their contract, and asking for an acknowledgment. Transaction explained in detail. Recommends his son and begs his friend to have an eye on his conduct. Has informed M. Dupin of his error.

July 13.

12¼ pp.

Defense of Claude Chenier vs. Widow Brunet.

Defense of Claude Chenier, husband of Marie Louise Bonnet, who for clearer understanding makes his hearers notice that there is issue from three marriages. Sieur Francois had inventory taken at the time of his third marriage, and it remains to establish the third community. Inventory follows: Community of Jeanne Hubert, accountant, with Asselain; Community of Jeanne Hubert with Brunet; Receipt of this Community, on account of movables; Recapitulation, Expenses, Debts paid and those due; The share reverting to Marie Asselain from her father, inventory made when she married Brunet, which share was entered into the last community; Remainder was the sum of 806 livres, 19 sols, 5 deniers, from Asselain succession. Wherefore, Marie Louise Brunet claims her third in the goods of the deceased; 2dly, the sum of 649 livres, as half for share of Sieur Brunet in the last community. Moreover, there comes to her one half of the sum entered in the last community, and half of the lots to Jeanne Hubert, as heiress of her father, as the third entered into the community, and after appraisement made, the hearer will keep account of one half of a third of the buildings and lots of Sr. Brunet. Signed: Garic, procureur.

Notice served.

July 13, 1752. Notice served and copy of the debates left to Jeanne Hubert, at her domicile, by Sheriff Lenormand.

July 13.

Court martial and civil proceedings against Jean Ducoutray, a soldier, for burglary and theft of poultry.

Court Martial and civil proceedings against one Jean Ducoutray, a soldier of Mr. de Mazellieres' Company, for burglary and theft of poultry at Cascaskias (Kaskaskia).

(Editor's note:—His crime was a relapse, as he had been condemned and branded previously to his coming to Louisiana. The Council of War subsequently turned over the case to the civil jurisdiction of Illinois. Both sentences are recorded. Finally, it is judged by the Superior Council in New Orleans.)

2 pp.

Letter, lodging complaint against Ducoutray. (Collated Copy).

July 13, 1752. Letter to M. de Macarty, Knight of Military Order of St. Louis, Major Commandant in the Province of Illinois, by "Des mazellieres," Captain of a Marine Company garrisoned in Illinois, in the town of Kaskaskias in the said Province, states that Jean Bedaque, Sergeant of his Company, reported to him that one Jean Ducoutray called Poulailler ("Hen-house"), son of Jean Ducoutray and Anne Millet, a native of Jouy de Montay,

Isle of France, archbishopric of Paris, Parlement of Paris, (is suspected of theft). He is twenty-eight years of age, five feet, two inches high, with brown hair and eyebrows, gray eyes, small nose, large mouth, thin and tanned face; a soldier of the said Company, and after investigation he was suspected of this theft, and conducted to prison and put in irons. He asks that, following the ordinances published lately on the loss of animals of this place, inquiry be made and the guilty one judged according to these ordinances. Sr. des Rousselet (Rousselet de Boisroger) conducted the inquiry.

23 pp.

Summary of the proceedings at Kaskaskia against Ducoutray.

July 13, (October 28), 1752. Whole Procedure before court martial; name of accused, his parents, place of birth; inquiry before Sr. de Rousselet, Adjutant in the town of Kaskaskias and Lieutenant of infantry in a company of marines, garrisoned in Illinois, and acting as Procureur of the King in this case, assisted by Bertlot Barrois, greffier of this jurisdiction. Description of Ducoutray follows.

List of witnesses called in inquiry.

Appearance of witnesses: Francois Dizier; Jacques Dégagné, a settler and resident of said place; Jean Francois Bedaque, Sergeant of De Mazellieres' Company; Jean Moreau, Sergeant of de Neyon's Company.

Re-examination of witnesses.

Reexamination of witnesses: Francois Dizier; Jacques Dégagné, Francois Bedaque, George Joseph Jacquemet, and Jean Moreau. Signed, respectively, by Rousselet de Boisroger and the undersigned Greffier.

Interrogation of the accused.

July 14, 1752. Interrogation of the accused, on this accusation and on a previous offense for which he was branded in France, at Beauvais in Picardy.

Confrontation of witnesses.

Confrontation of the accused with the witnesses, and asked if he had anything to say against the witnesses, as his suit was to be made before the Judge of this jurisdiction and without appeal (prevotalement); all of which was seen by Rousselet de Boisroger, and signed by him on the fifteenth of the same month.

Judgment rendered by Court Martial.

July 15, 1752. Judgment pronounced by the Council of War assembled before Mr. de Macarty de Mactigue, Knight of the Military Order of Saint Louis and Major Commandant for the

King in the Province of Illinois, against Jean Ducoutray, of de Mazellieres' Company, accused of theft and burglary, whilst on guard: Seen the inquiry and reexamination of witnesses; Interrogation and answers of the accused on the 14th of July; Confrontation of the accused with witnesses; the Conclusions of Sr. Rousselet de Boisroger, acting as Adjutant, the Council of War declared the said Jean Ducoutray guilty as charged and convicted of theft and burglary, and moreover of having been flogged and branded, by his own acknowledgment, in reparation for which he was condemned to be degraded from arms and turned over to civil justice, that the suit be instituted anew, to undergo the penalties inflicted by criminal ordinances. Signed: By the Council of War; Barrois, Grefr.

Execution of sentence.

The present Judgment was read and executed by the guard of the day, the aforesaid day and year. Signed: Barrois (paraph) Grefr.

Receipt.

Given my receipt to M. de Membrede for this procedure on this day, October 28, 1752. Signed: Chantalou.

Judgment of Court Martial. (Collated copy on separate sheet.)

July 15, 1752. Seen by the Council of War, assembled before M. de Macarty de Mactigue, Knight of the Military Order of Saint Louis, Major commanding for the King in the Province of Illinois, and on his order, the suit extraordinarily instituted against Jean Ducoutray, alias Poulailler, soldier of De Mazellieres' Company, accused of theft and burglary, whilst on guard, the inquiry and reexamination on the 13th instant; interrogation and answers of the accused, on the 14th of this month; confrontation of Ducoutray, alias Poulailler, with the witnesses on the said day; the Conclusions of Sieur Rousselet de Boisroger, acting as Adjutant: the Council of War has declared the said Jean Ducoutray, alias Poulailler, guilty as charged and convicted of theft and burglary, whilst on guard, and moreover of having been flogged and branded on the right shoulder with the letter "V" by the executioner, also for theft, by his own acknowledgment; the brand seen by the three Sergeants who have testified against him, as per act inserted in this procedure, and in reparation of this has condemned and condemns him to be degraded from arms and turned over to civil justice, for his suit to be investigated again, for him to undergo the penalties inflicted by the criminal ordinances. Done at Cascakias (Kaskaskia) July 15th, one thousand seven hundred and fifty-two. Signed: by the Council of War; Barrois (paraph), Grefr.

Civil proceedings against Ducoutray.

Civil Proceedings against Jean Ducoutray:

No. 1.

Letter to M. Buchet.

July 15, 1752. Letter to M. Buchet by the Procureur of the King, stating that he has been informed that Jean Ducoutray, alias Poulailler, has been found guilty and convicted of theft, has been degraded from arms, to be sent to civil justice for suit to be instituted and inquiry be made anew, to undergo the penalties carried in the criminal ordinances. This considered, may it please you to allow the Procureur of the King to inquire into the facts contained in the complaint of his Captain on the 13th instant, thereon to demand what shall appertain, and provisionally to decree bodily apprehension against the accused, and that he be put in irons in the prisons of this City (Kaskaskia). Signed: Chevalier.

Collated copy of the original. Signed: Barrois (paraph), Grefr.

No. 2. 1¾ pp.

Testimony of Brazeau to Buchet.

July 17, 1752. In the year one thousand seven hundred and fifty-two, on the seventeenth day of July, about eight o'clock in the morning, following the procedure remitted to us by M. Rousselet, Lieutenant of a Marine Company, acting as Adjutant in the suit instituted by him against Jean Ducoutray, alias Poulailler, soldier of de Mazellieres' Company, accused of having stolen eight hens at Joseph Brazeau's, and by virtue of the sentence rendered by the Council of War on the 15th of this month, who sends us the accused to be tried again, we, Joseph Buchet, chief secretary of the Marine, sub-delegate of M. the Commissioner and Ordonnateur of Louisiana, Judge in the Jurisdiction of Illinois, went to the house of said Brazeau, accompanied by the Greffier (Clerk of Court), to be shown the place where the said accused entered the hen-house. A panel had been destroyed, which was four and a half feet high by one and a half feet wide, and a breach was made in the yard of the hen-house. They did not know how to sign, wherefore inquiry as per ordinance. Signed: Barrois (paraph), Greffr.

No. 3. 6 pp.

Inquiry made by Buchet.

July 17, 1752. Inquiry made by Joseph Buchet, Chief Secretary of the Marine, subdelegate of the Commissioner General and Ordonnateur (Intendent) of Louisiana, Judge in Illinois, on request of the Procureur of the King, against Jean Ducoutray, alias Poulailler, soldier of de Mazelierres' Company, condemned by sentence of Council of War to be degraded from arms and turned over to civil justice for his suit to be inquired into anew, to which inquiry we proceeded as follows:

Testimony of Francoise Dizier.

July 17, 1752. Francoise Dizer, wife of Joseph Brazeau, a resident of this City (Kaskaskia), on Saint Louis Street, Parish of the Immaculate Conception, aged about twenty-eight years, who after oath taken to speak the truth, said that she was not a relative, a connexion, nor a servant of the parties, and produced the citation served on her, on request of the Procureur General on the 15th instant. She testified on the facts mentioned in the complaint of M. de Mazellieres on the 13th of this month, which was read to her. She said that she had heard her chickens squeaking before dawn; not suspecting anything she did not go to see them, and that when she arose in the morning she went to her poultry house and found a panel of the mud wall torn down, and found nine heads of hens and a hen without a head; and suspecting that the thief was a soldier she sent for Versaille, Sergeant of Reggio's Company, and asked him to try and discover the thief; which, she said, was all she knew; her testimony having been read to her, she said that it was the truth, persisted therein, and signed, and did not ask for pay. The original thus signed: francoise Dizier; Buchet; and the Greffier undersigned.

Testimony of Francois Bedaque.

On the said day, Francois Bedaque called Saint Jean, Sergeant of De Mazeiilieres' Company, garrisoned in this City, aged forty years, who after being sworn to speak the truth, said that he was not a relative, a connexion, a servant nor a domestic of the parties, and produced the notice to testify, sent by the Procureur on the 15th of this month. He testified on the facts mentioned in the complaint of M. de Mazellieres, which was read to him, that five days ago, having awakened very early, he saw Jean Ducoutray, alias Poulailler, sitting on his bed and chickens in a kettle, and he asked him if he had brought these hens, and the said Jean Ducoutray, having hastily risen without answering, went out to go to the corps de garde; having dressed, he went to the Corps de Garde and questioned the said Poulailler, in the presence of George Joseph Jacquemet called Versaille, Sergeant of Reggio's Company, and Jean Moreau, Sergeant of de Neyon's Company; and he confessed he had taken the hens, wherefore Bedaque, who was his sergeant, led him to the prison and made his report to M. Rousselet, acting as Adjutant of this City (Kaskaskia), which was all he knew. His testimony being read to him, he said that it was true, maintained it, and did not ask for compensation. Original thus signed: Francois Bedaque; Buchet; and the undersigned Greffier.

Testimony of George Joseph Jacquemet.

On the same day, George Joseph Jacquemet called Versaille, Sergeant of Reggio's Company, garrisoned in this City, aged thirty-two years, who after being sworn to speak the truth, said that

he was not a relative, a connexion, a servant nor a domestic of the parties, and produced the notice of citation to testify, dated July 15th. He testified on the facts mentioned in the complaint of M. de Mazellieres, on the 13th instant, which was read to him, stating that five days previously Madam Brazeau, whose chickens had been stolen, had asked him to discover the thief. For this purpose he went through several rooms, and having gone to the guard house, he found St. Jean, Sergeant of de Mazellieres' Company, and Jean Moreau, sergeant of de Neyon's Company, questioning Jean Ducoutray, and heard him acknowledge that he had stolen the fowls and put them in a caldron, that he had left his post at the guard house to commit this theft; following which the said St. Jean brought him to the prison and went to report to M. de Rousselet, acting as Adjutant in this City; which, he said, was all he knew, and his testimony having been read to him, he declared that it was the truth, persisted therein, signed, and did not claim compensation. Original thus signed: George Joseph Jacquemet; Buchet; and the undersigned Greffier.

Testimony of Jean Moreau.

On the said day, Jean Moreau, Sergeant of de Neyon's Company, garrisoned in said place, aged thirty-six years, after being sworn to speak the truth, said that he was not a relative, a connexion, a servant nor a domestic of said parties, and produced the notice of citation served on him, at the request of the Procureur General, on the fifteenth instant. He testified on the facts mentioned in the complaint of M. de Mazellieres, on the thirteenth of this month, which was read to him, that five days ago, being on guard with Saint Jean, of de Mazellieres' Company, and Versaille, of Reggio's Company, the said St. Jean suspected Ducoutray, alias Poulailler, of marauding. They questioned him, and he acknowledged having taken eight hens, had picked them and put them in a kettle, in the room, being on guard at the time. His testimony being read to him, he said that it was the truth, persisted therein, and declared that he could not write nor sign, wherefore inquiry as per ordinance, and did not ask for pay. The original thus signed: Buchet and the undersigned Greffier who expedites these presents: Barrois (paraph), Greff.

No. 4. 1 p.

Permit for inquiry.

July 15, 1752. Excerpt from the Registers of the jurisdiction of Illinois. Considering the petition of the Procureur of the King, permit for inquiry into the facts contained in the complaint of M. de Mazellieres of the thirteenth instant, and Jean Ducoutray is provisionally ordered to be bodily apprehended, reconducted to the prisons of this City (Kaskaskia), to be interrogated again on the facts and charges resulting from the said inquiry, and on other points that the Procureur of the

King may wish to be heard. Done at Kaskaskia on this fifteenth of July, one thousand seven hundred and fifty-two, Signed: Barrois (paraph).

No. 5. 5 pp.

Interrogation of the accused.

July 18, 1752. Interrogation of Jean Ducoutray, alias Poulailler, former soldier of de Mazellieres' Company, by Joseph Buchet, Chief Secretary of the Marine, subdelegate of M. the General Commissioner and Ordonnateur in Louisiana, Judge in Illinois. Having gone to the Audience Chamber, he had brought before him Jean Ducoutray, alias Poulailler, of de Mazellieres' Company, arrested by an order given by him, and having administered an oath to speak the truth, questioned him as follows:

Interrogated on his name, qualifications and residence, he said that he was named Jean Ducoutray called Poulailler, a soldier of M. de Mazellieres' Company garrisoned in this City, aged twenty-eight years.

Interrogated if he was on guard on the thirteenth of this month, he answered, yes.

Interrogated if he knows Madam Braseau, he answered that he did; and asked if he had gone to her house to steal chickens, he replied in the affirmative.

Asked how he did to enter her hen-house, he said that he made an opening in the mud wall, in a panel between two posts.

Interrogated if he had not made an opening in the fence of the poultry yard, he said that he had found a loose picket, which he pushed aside and thus gained entrance.

Questioned as to how many hens he took, he said he took eight, and had brought them to his room after having picked them on the water's edge; he was alone, and maintained that no one had induced him to commit this theft, that it was of his own will.

Interrogated if they had not enough to live on in his room, he said that they were not in want.

Asked if he had not received his loan (pret)*, as the other soldiers, he answered that he had received it.

Asked what he did with the hens when he brought them to the room, he said that he had put them in a caldron to cook, intending to give his companions a share. He acknowledged that he had told his fellow soldiers that he had stolen them.

Asked how he was dressed when he stole the hens, he answered that he had on a waistcoat, and showed us blood on his socks.

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*(Translator's note:—The "pret" was the soldier's pay. It was paid every five days, and for that reason was called a "pret" (a loan), as it was an advance.—H. H. C.)

Interrogated if he was not on guard, and if he had abandoned his post to steal, he replied that it was before, and that the sergeant and corporal knew nothing of it.

Asked at what time he committed the theft, he said that it was about two hours after midnight.

Asked if he does not know that any man who steals is liable to the law, he said that he was aware of it.

Asked why he stole, since he knows that thieves are punished, he replied that it was through weakness.

Interrogated if he had never been apprehended by justice, he said that he had in the jurisdiction of Beauvais in Picardy for stealing six francs from a comrade who was a cobbler, and acknowledged that he had been branded by the executioner, and uncovering his shoulder he showed them the letter "V."

Interrogated if in the same night he stole the hens he did not go to Jacques Dégagné's to steal a hog, and if he did not wound the animal with a knife or some other iron weapon. He denied it.

His interrogation having been read to him, he said that his answers were true, and declared that he could not sign nor write, wherefore inquiry following ordinance; he made his usual mark and was turned over to the sergeant, to be returned to prison and put in irons, on the day and year above mentioned.

Original thus signed: Buchet and the undersigned Greffier; Barrois (paraph), Grefr.

No. 6. 1¼ pp.

Demand for reexamination and confrontation with the accused.

July 18, 1752. Excerpt from the Registers of the Jurisdiction of Illinois: "Seen the charges and inquiry made by us on petition of the Procureur General demanding the execution of the sentence of the Council of War on the fifteenth of the present month against Jean Ducoutray, alias Poulailler, defendant and accused; the interrogation, inquiry, and conclusions of the Procureur General, demanding that witnesses be reexamined, and confronted; the whole considered, we order that the witnesses heard in inquiry be reexamined and confronted with the accused and this fact communicated to the Procureur General of the King, to be decided what is just as shall appertain. Done at Caskaskias on the eighteenth of July, one thousand seven hundred and fifty-two." Signed: Barrois (paraph), Greffr.

No. 7. 3 pp.

Reexamination of witnesses.

July 18, 1752. Before Joseph Buchet, Chief Secretary of the Marine, subdelegate of M. the Commissioner General of the Marine and Ordonnateur in Louisiana, and Judge in Illinois, appeared André Chevalier, Procureur of the King in this jurisdiction, demander and accuser, who told us that in the

execution of our ordinance of this day, he has had cited before you Francoise Dizier, wife of Braseau; Jean Francois Bedaque alias Saint Jean; George Joseph Jacquemet called Versaille; and Jean Moreau, witnesses heard in the inquiry made by us by request, against Jean Ducoutray, alias Poulailler, accused, to be reexamined in their testimony, by summons of Joachim Gerard on this day, whom he presented us and showed us that we be pleased to proceed to the reexamination of the said witnesses, whereon we gave to the Procureur of the King of his appearance, evidence, representation, and order that it be presently proceeded by us to the reexamination of said witnesses, and the said Procureur of the King retired.

Reexamination of Francoise Dizier.

And in the moment appeared Francoise Dizier, wife of Joseph Braseau, first witness heard in the inquiry made by us on demand of the Procureur of the King, to whom after oath taken to speak the truth, we read her testimony in the said inquiry, and after having heard it she said that it was the truth, that she had nothing to add to nor diminish, and she persisted therein and signed with us.

Reexamination of Jean Francois Bedaque.

Also appeared Jean Francois Bedaque alias Saint Jean, second witness in the said inquiry, made by us on request of the Procureur General; to whom, said Jean Francois Bedaque, called Saint Jean, after oath taken to speak the truth, we read his testimony at the said inquiry, and having heard it he said that it was true, that he had nothing to add thereto nor to diminish, persisted therein and signed with us.

Reexamination of George Joseph Jacquemet.

Also appeared George Joseph Jacquemet alias Versaille, third witness in the said inquiry, made on demand of the Procureur General, and after oath taken to speak the truth, we read his testimony to him; he said that it was true, that he has nothing to add thereto nor to diminish, persisted therein and signed with us.

Reexamination of Jean Moreau.

Also appeared Jean Moreau, fourth witness heard in the inquiry made by us on demand of the Procureur General; said Jean Moreau after being sworn to speak the truth, and after having heard his testimony read to him, said that it was the truth, that he had nothing to add thereto nor to diminish. He persisted therein, declared that he did not know how to sign nor write, wherefore inquiry as per ordinance, and signed with us.

The minute of the said reexamination thus signed, with witnesses reexamined: Buchet and the undersigned Greffier who expedited these presents. Signed: Barrois (paraph), Grefr.

No. 8. 6¾ pp.

Confrontation of witnesses with accused.

July 19, 1752. Confrontation before us, Joseph Buchet, Chief Secretary of the Marine, Subdelegate of M. the Commissioner General of the Marine and Ordonnateur in Louisiana, and Judge in Illinois, on demand of the Procureur General, who requests execution of the sentence of the Council of War against Jean Ducoutray alias Poulailler, prisoner in the prisons of this City; witnesses heard by us in the inquiry made on the seventeenth of the present month, following our order of yesterday, eighteenth of the present month, to which confrontation we proceeded as follows:

Confrontation with Francoise Dizier.

On the nineteenth of July, one thousand seven hundred and fifty-two, was brought before us by the Sergeant on guard at the prisons of this City, Jean Ducoutray alias Poulailler, accused, with whom we confronted Francoise Dizier, wife of Joseph Brazeau, first witness in the inquiry, and after oath taken to speak the truth were summoned to say if they knew each other; witness said that she did not know the accused, and the accused that he knows the witness as the wife of Braseau. After which we had read by the Greffier the first articles of the testimony, containing her age, qualifications and residence; her declaration that she is not a relative, a connexion nor a domestic of said parties, and the accused was summoned to furnish reproaches before the reading, as none would be received after the reexamination had been read. The accused said that he had nothing to reproach the witness with.

This done, the testimony, and reexamination of the witness was read in the presence of the accused; the witness said that her testimony was true and maintained it, but she did not know if it was the accused who was meant in her testimony and reexamination, and persisted therein. The accused said that it was true, and the present confrontation being read to them, they each persisted in what they had said, and signed, excepting the accused who did not know how, wherefore inquiry as per ordinance. Thus signed, in the original: Francoise Dizier; Buchet; and the undersigned Greffier.

Confrontation with Jean Francois Bedaque.

On the said day was brought before us by the Sergeant on guard at the prison of this City, Jean Ducoutray alias Poulailler, accused, with whom we confronted Jean Francois Bedaque alias Saint Jean, second witness in the inquiry, and after being sworn to speak the truth and summoned to say if they knew each other, they said they knew each other.

The first articles of his testimony were then read by the Greffier, containing his name, age, qualification and residence, and his declaration that he was not a relative, a connexion, a

servant nor a domestic of the parties, and after being sworn to speak the truth, they were summoned to say if they knew each other.

After the first articles of the testimony of the witness were read by the Greffier, the accused was asked to furnish reproaches against the witness, for in default of so doing before the reading of the testimony none would be admitted later. The accused said he had no reproaches to make against the witness.

Then we read to the accused and to the witness the present confrontation; they persisted each in regard to the other, and signed, with the exception of the accused, who declared that he did not know how to write, wherefore inquiry as per ordinance. Thus signed: Jean Francois Bedaque; Buchet and the undersigned Greffier.

Confrontation with George Joseph Jacquemet.

On the said day was brought before us by the Sergeant on guard at the prisons of this City, Jean Ducoutray, alias Poulailler, accused, with whom was confronted George Joseph Jacquemet called Versaille, third witness in the inquiry, who after oath taken to speak the truth, and summoned to say if they knew each other, acknowledged that they knew each other, after which were read by the Greffier the first articles of the testimony, containing his name, age, qualification and residence, and his declaration that he is not a relative, a connexion, a servant nor domestic of the said parties; and the accused was summoned to furnish reproaches, as none would be admitted after the reading of the testimony and reexamination, following the ordinance, which was read to him.

The accused had no reproaches to furnish against the witness; this done, the testimony and reexamination was read in the presence of the accused; the witness said that it was the truth, and maintained it to the accused, and that it was of the accused, here present, that he meant to speak in his testimony and reexamination, and persisted therein. The accused agreed with him.

The present confrontation read to the accused and the witness, they both persisted, with regard to the other, and signed, with the exception of the accused, who said that he did not know how, wherefore inquiry as per ordinance. Original thus signed: George Joseph Jacquemet; Buchet and the undersigned Greffier.

Confrontation with Jean Moreau.

On the said day was brought before the Court by the Sergeant on guard at the prisons, Jean Ducoutray, alias Poulailler, accused, whom we confronted with Jean Moreau, fourth witness

in the inquiry, and after oath to speak the truth, they were both summoned to say if they knew each other. They said that they knew each other.

The Greffier then read to them the first articles of the testimony, containing age, qualification and usual declaration, and the accused was summoned to furnish reproaches, in default of so doing none would be admitted after the reading. The accused said that he had no reproaches to make, then the testimony and reexamination was read to the witness in the presence of the accused; the witness said that it was the truth and thus maintained it to the accused; and that it was of the accused, here present, that he meant to speak, and the accused agreed.

The present confrontation being read to the witness and the accused, each persisted in what he had said, and they declared that they did not know how to write, wherefore inquiry as per ordinance. Original thus signed: Buchet and the Greffier who expedited there present. Signed: Barrois (paraph), Grefr.

2 pp.

Demand of the Procureur of the King that Ducoutray be condemned to the galleys.

July 20, 1752. Seen the charges and inquiry made on our demand against Jean Ducoutray, alias Poulailler, defendant and accused, bodily apprehended on the fifteenth of July; the proces verbal of judicial visit to the place where the theft was committed; inquiry made on the said day; Interrogation of the accused on the eighteenth of the same month; his confrontation and denials, conclusions of the Procureur General for reexamination and order that witnesses be confronted with the accused on the nineteenth instant; all that was communicated duly seen and examined, the Attorney General demands in the King's name that the accused be declared charged and convicted of theft with burglary, for the second time, as he has previously been convicted and branded, in reparation of which let him be condemned and led to the King's galleys, there to serve as a galley slave in perpetuity, his goods to be confiscated to the King, if there be any. Done at Cascaskias on this twentieth day of July, one thousand seven hundred and fifty-two. Signed: Chevalier.

Sentence of the Civil Court.

July 20, 1752. Excerpt from the Registers of the Jurisdiction of Illinois, in the criminal suit instituted on demand of the Procureur of the King, against one Jean Ducoutray, alias Poulailler, defendant and accused, a prisoner in the prisons of this City, following a decree of bodily apprehension decreed by us on the fifteenth of this month; proces verbal of judicial visit at the place where the theft was committed, on the seventeenth of this month; interrogation of the accused, containing his acknowledgements and denials; conclusions of the Procureur of the King

on the charges, inquiry, interrogation and sentence of the said day, ordering reexamination of witnesses and confrontation of the witnesses with the accused, on the nineteenth instant; conclusions of the Procureur of the King on this day, and the whole considered, we have decided the said Jean Ducoutray, alias Poulailler, duly charged and convicted of relapse and of having committed the theft mentioned, with burglary, in the said suit, in reparation of which we condemn him to serve in the King's galleys* in perpetuity; for civil damages to pay fifty livres and interest to Joseph Braseau, and to the costs of the suit. The surplus of his goods, if there be any in this country, by confiscation to be acquired to the King, or to whom will appertain. Done at Cascaskias, on this twentieth of July, one thousand seven hundred and fifty-two. Signed: Barrois (paraph), Grefr.

Transfer of the case to New Orleans.

Continuation of proceedings. Criminal procedure against Jean Ducoutray, alias Poulailler, before the Superior Council at New Orleans:

No. 9. pp.

Complaint against Ducoutray, and criminal suit instituted in New Orleans.

October 31, 1752. Sieur Raguet, acting as Procureur General, shows that one Ducoutray, alias Poulailler, was imprisoned and tried in Illinois, by Court Martial before Lieutenant Rousselet de Boisroger, convicted and condemned; the case was then turned over to the civil jurisdiction; after testimony, reexamination, confrontation and second interrogation of the accused, he was again convicted and condemned. It was found that he had already been tried in France and branded for theft. His case was tried according to the rigor of the ordinances, and as it is to the interest of the public that crime remain not unpunished, the present petition, in the form of a complaint, was presented by the Procureur General at New Orleans, that Ducoutray be interrogated and heard again on the salient facts in the suit instituted in Illinois, the whole procedure to be gone over anew, following order of M. Raguet, acting Procureur General in said place. Signed: Raguet.

Permit to repeat the proceedings.

November 2, 1752. Permit to repeat inquiry before M. Dauberville, Second Councillor, who will interrogate the accused, on request of M. Raguet. Signed: Michel.

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*(Translator's note:—A "galley" was anciently a long boat used in the Mediterranean, equipped with sails and propelled by oars. They were first noticed during the Trojan War, and were improved by the Greeks, Romans and Carthaginians in later wars. Criminals were condemned to row the galleys in perpetuity; during the French Revolution this punishment was replaced by condemnation to the public works and branding.—H. H. C.)

Document is so badly charred that the script is falling to pieces.

No. 10. 1 p.

Prisoner notified.

November 2, 1752. On Demand of M. Raguet, petitioner and accuser, Sheriff Lenormand went to the prison and had Jean Ducoutray, alias Poulailler, brought to the wicket, and declared to him, that by virtue of the said decree he had imprisoned him, and that he was to remain in the prison until his suit is terminated, which was certified. Signed: Lenormand.

No. 1325.

Interrogation of Ducoutray

November 3, 1752. On this day at eight A. M., by order of M. Michel, Commissioner General of the Marine and Ordonnateur in Louisiana, on the second instant, we, Guillaume le Seneschal Dauberville, Commissioner of the Marine, Second Councillor, and Commissioner in this case, by order of M. Raguet, acting Procureur General, went to the prisons of this City, accompanied by the Greffier of the Council, where he proceeded to the interrogation of Jean Ducoutray alias Poulailler, detained in said prisons under accusation of theft. Having sworn to speak the truth, we asked his name, qualification and religion. He answered that he was named Jean Ducoutray, aged twenty-eight years, a cobbler by trade, a native of Montay, a province of the Isle of France, diocese of Paris, professing the Apostolic, Roman and Catholic religion.

Asked where and how he took the chickens, he said that he passed through an open palisade into the hen-house.

Interrogated if, being in the troops, he was not on guard when he committed this theft. He replied that he was in the troops, but was not standing sentry, and that he was alone.

He was told that he did not speak the truth, since in the interrogation in Illinois he confessed that he passed by an opening he made in the wall. He said that he meant that he found the palisade open in the yard into the hen-house, that in truth he made the opening in the hen-house with his hands, having pulled out a picket. He acknowledged having taken eight hens.

Interrogated if witnesses were heard against him, and if they were confronted with him, to which he answered in the affirmative.

Interrogated if he committed other thefts in Illinois, he answered that he had not.

Asked if he was convicted in France, he answered that he stole six francs from a fellow cobbler at Beauvais, in Picardy.

Interrogated if he was flogged or branded, he replied that he was whipped and branded with a "V" on the right shoulder, which he verified in the moment.

Asked in what ship he came to this Colony, he said that he came over on the "Infanta Victoire", that arrived in July, one thousand seven hundred and fifty-one.

Asked if he was not guilty of other thefts in this City, or in the ship in which he came over, he answered "No".

Interrogated at what time he had committed this theft, he said that it was between midnight and one A. M.

Asked where he had brought these hens, he said that he had picked them on the water's edge and then brought them to their room, and his comrades asked him where he got them and he told them in the hen-house.

Asked if no one had tempted him to this theft, he answered that no one had done so.

Interrogated if he knew the settler from whom he stole, he replied that he did not; he said that the Sergeant of Reggio's Company, named Versaille, had discovered the theft; he visited the room in the morning and found the hens on the table. He was at the Corps de Garde (Guard House). He was told that he did not speak the truth, as he was sitting on his bed.

This interrogation being read to him, he said that it was the truth, persisted therein, and declared that he could not write nor sign, wherefore inquiry as per ordinance. He was reconducted to the prison. Signed: Dauberville; Chantalou (paraph), Gref.

Order.

November 3, 1752. Order to communicate to the Procureur General, signed: Dauberville.

No. 1326.

Conclusions of the Procureur General.

November 10, 1752. Conclusions of the Procureur General against Ducoutray, alias Poulailler: Seen the suit extraordinarily instituted at the Kaskaskias, on demand of the Procureur General against Ducoutray, by M. Buchet, Chief Secretary of the Marine and Judge of the said place, containing the complaint of the Procureur of the King, on the 15th of July; proces verbal of judicial visit made to scene and the affirmation of the accused, of theft with burglary, on the 17th of July; the inquiry, consisting of four witnesses examined, on the same date; the acknowledgements and denials on the 18th of July; the conclusions of the Procureur General, of July 18th; the proces verbal of confrontation of the witnesses with the accused, on July 19th; seen the collated copies of the military proceedings in Illinois, on demand of M. the Adjutant, with the sentence of the Council of War, who sent the accused and copy of the proceedings before the civil jurisdiction, owing to a relapse and the brand on his shoulder. Seen also our petition, in the form of a

complaint, demanding the imprisonment of the accused, and that he be entered in the prison Registers, and interrogated again on the facts and charges, of the third of November.

The Procureur General demands for the King that the accused be convicted as charged with theft and burglary, of relapse, having been flogged and branded by the public executioner, in reparation of which let him be condemned to be hung and strangled until death follows, on a scaffold erected ("planted") in the public square of this City, that each and all of his goods be declared confiscated to whom it shall appertain, and in case the confiscation is not enforced, that the sum of five hundred livres be taken therefrom to the profit of His Majesty.

Done at New Orleans, November 10th, one thousand seven hundred and fifty-two. Signed: Raguet, (acting as Procureur General).

No. 1327.

Interrogation of Ducoutray before the Superior Council.

(No date). Interrogation, on the witness stool, of Jean Ducoutray, alias Poulailler, accused of theft. The assembled Council, composed of M. de Vaudreuil, Governor; M. Michel, Commissioner General of the Marine, Ordonnateur and First Judge; de Membrede, Major of New Orleans; Dauberville, Commissioner of the Marine and Second Councillor; Raguet, Dean of the Council, acting as Procureur General of the King; and Kernion, Councillor Assessor. The said accused, detained in the prisons of this City, was there led by fusileers of the Guard, and when present was interrogated as to the accusation, and his replies were similar to those made in his previous interrogations. On inquiry if he had anything to say to the Council, as he was about to be judged without appeal, he said that he had nothing to say. His interrogation being read to him, he said that it was the truth, persisted therein, and declared that he could not write nor sign, wherefore inquiry as per ordinance.

Signed: Vaudreuil; Michel; Demembrede; D'Auberville; Huchet de Kernion.

No. 1328. 1 p.

Judgment rendered by Superior Council.

November 11, 1752. Session of November 11, 1752, where were MM. de Vaudreuil, Governor; Michel, Commissioner General of the Marine and Ordonnateur; de Membrede, Major; Dauberville, Commissioner of the Marine and Second Councillor; and Kernion, Councillor Assessor. Between one Jean Ducoudray (Ducoutray) alias Poulailler, defendant and accused: Seen the proceedings extraordinarily instituted in Illinois against the accused; the results of the proceedings in this City (New Orleans); the conclusions of M. the Procureur General of the King, on this day; all the papers (pieces) joined to the suit, the whole seen, considered and duly examined, the Council has declared

the said Ducoutray, alias Poulailler, duly charged and convicted of theft, in reparation of which it has condemned and does condemn him to be branded with a fleur-de-lis on the left shoulder*, to be whipped by the executioner at all the crossings of this City, to serve the King for the remainder of his life in his galleys as a galley slave, his goods to be confiscated to His Majesty (Louis XV). Done in the Council Chamber, on the eleventh of November, one thousand seven hundred and fifty-two.

Signed: Vaudreuil; Michel; Demembrede; Dauberville; Huchet de Kernion.

Excerpt from the Criminal Sessions of the Superior Council.

November 11, 1752. Excerpt from the Criminal Sessions of the Superior Council of the Province of Louisiana. Between the Procureur General of the King, petitioner and accuser, against one Jean Ducoutray, alias Poulailler, former soldier of de Mazelieres' Company, of the garrison of Kaskaskias, defendant and accused: Seen by the Superior Council of Louisiana, the suit extraordinarily instituted at the said place of Kaskaskias, on petition of the Procureur of the King against the said Ducoutray, by M. Buchet, Chief Secretary of the Marine, Judge in the said place, by procedure containing the complaint of the Procureur General of the King, on date of July 15th of the present year; the proces verbal made on the site and visit of the break made by the accused to the henhouse and the fence of one Braseau, resident of the said place Kaskaskias, on the seventeenth of July; the inquiry composed of four witnesses, on the said date; the decree of bodily arrest and interrogation undergone by the said Ducoutray, alias Poulailler, containing his confessions and denials, on date of the eighteenth of the said month; the conclusions and the sentence ordering that the witnesses heard in the inquiry be reexamined in their testimony and afterwards confronted with the accused, on the said day; the reexamination of the four witnesses on the said day; the proces verbal of the confrontation of the witnesses and the said accused, on date of the nineteenth of July. Seen also collated copy of the military proceedings made in Illinois, on demand of M. the Adjutant Major of Kaskaskias, with the sentence of the Council of War, who sent the said accused before the ordinary Judges for the suit to be tried, as he has heretofore been apprehended by justice, being branded on the left shoulder with the letter "V". Seen also the petition, in form of a complaint presented by the Procureur of the King, concluding that the accused be imprisoned and entered in the Registers of the prison, on the second of the present month of November, and then interrogated anew on the facts resulting from the charges and inquiry made in Illinois, on date of the 30th of last October;

*(Translator's note: This penalty was abolished in 1832. H. H. C.)

the imprisonment of the accused on the second of the present month of November; the interrogation undergone by the said accused on the third of the present month, containing his answers, confessions and denials; the interrogation on the witness chair before assembled Council, of the said accused, containing likewise his answers, confessions and denials, of this day; the whole seen and considered and duly examined, with the conclusions of the Procureur General of the King, the Council has declared the said Jean Ducoutray, alias Poulailler, duly charged and convicted of theft and burglary, in reparation of which they have condemned him, and do condemn him, to be whipped with switches by the executioner of high Justice at all the crossings of the City and to serve the King for the remainder of his life on his galleys as a galley slave, and all his goods situated in this country confiscated to the King, and that this present be published and spread where need may be. Given in the Council Chamber at New Orleans, on the eleventh day of November, one thousand seven hundred and fifty-two.

Signed: By the Council; Chantalou (paraph), Gref.

Publication of the sentence against Ducoutray.

December 3, 1752. In the year one thousand seven hundred and fifty-two, on the third day of December, in the morning, by virtue of the above decree, I, Marin Lenormand, usher and crier of the Superior Council, undersigned, have read, published, and posted at the door of the Church of this City and at the door of the Council chamber of sessions and in the other accustomed places, that none may pretend ignorance, on the aforesaid day, month and year. Signed: Lenormand.

July 18.

2½ pp.

Petition by Dubreuil, for recovery of debt.

Petition to the Superior Council by Sr. Dubreuil, Captain of Militia, for payment of a sum of 4738 livres, 10 sols, by Sr. Tixerant, on his note signed before M. Henry, Notary, March 11, 1741; and likewise on a note of July 5, 1744, due by said Sieur on eleven quarters of corn, amounting to 82 livres, 10 sols, said note dated February 9, 1738; also a sum of 40 livres for costs of an officers' ball; in all 4861 livres, wherefore he prays that Sr. Tixerant, Sr., be cited to meet these obligations, and moreover to pay costs and interest thereon. Signed: Garic, procureur.

Permit to cite.

July 18, 1752. Permit to cite before Council at its next session. Signed: Michel.

Notice served on Dubreuil.

July 30, 1752. Notice of citation served on Sr. Dubreuil, at his house at the brick-kiln, by Lenormand.

July 20.

1½ pp.

Petition to have inventory taken.

Petition of Louis Brazillier to have inventory made, as his two children are of age and are married. As no inventory was taken after his wife's death, the community has continued to this day. To avoid discussion he prays that said inventory be made, and following it division of his deceased wife's share between her two children.

July 21.

2¼ pp.

Petition of recovery.

Petition of Genevieve Butord, wife of Francois Laville, for recovery of 840 livres, as per note hereto annexed, from Le Kintrek, tutor of minor heirs of deceased Le Kintrek. She prays that he be cited, and moreover that he pay interest and costs. Signed: Lenormand, (for petitioner).

Permit to cite.

July 21, 1752. Permit to cite, signed: D'Auberville.

Notice served.

July 25, 1752. Notice served on Sr. Couturier, as tutor of Le Kintrek's minors, on request of Genevieve Butord, widow of Francois Haville, residing at the "Gouvernement", where she has elected her domicile. Copy of petition and notes left at the same time as notice, by Sheriff Lenormand.

July 21.

2½ pp.

Petition by Massicot for recovery of debt due by succession of Jean Cariton.

Petition to the Superior Council by Jacques Massicot, merchant of New Orleans, for payment of 1038 livres due by deceased Jean Cariton, coat-maker, for merchandise delivered to him, following his receipts of the 19th and 23rd of October, 1751, and of March 28, 1752. Petitioner had received on account 61 livres, 10 sols, and said succession owes the sum of 1377 livres, which have been claimed from Sr. Cantrelle, executor of said succession, and which he has refused to pay unless condemned thereto, wherefore petitioner prays that he be cited. Signed: J. Massicot.

Permit to cite.

July 21, 1752. Permit to cite, signed: D'Auberville.

Notice served.

July 25, 1752. Notice of citation served on Sr. Cantrelle, on petition of Sr. Massicot, at his domicile in New Orleans, copy of the petition and of the receipts left him, by Sheriff Lenormand.

July 22.

2½ pp.

Petition for payment for merchandise.

Petition by Pierre Voisin, merchant of New Orleans, for payment of the sum of 184 livres, due by de Noyan heirs, bill hereto annexed, which M. de Chavoye, their tutor, has refused to pay, wherefore he prays that he be cited. Signed: Lenormand, (for petitioner).

Permit to cite.

July 22, 1752. Permit to cite, by D'Auberville.

Notice served.

July 26, 1752. Notice served on Sr. de Chavoye, as tutor of de Noyan minors, at his domicile, by Lenormand.

July 22.

Nos. 98 and 277.

Receipt to Sr. Boyer for 70 livres on the tax on his lots in the City, for years 1751 and 1752. Signed: St. Martin.

Two receipts.

Receipt, signed by Chantalou, August 17, 1753. Signed: Lenormand.

July 24.

2½ pp.

Petition by Lesassier to recover debt from Cariton succession.

Petition to Superior Council by Charles Le Sassier, wholesale merchant, for sum of 3619 livres, 15 sols, for merchandise as per obligation hereto annexed, dated December 15, 1751, signed by Jean Cariton, coatmaker, praying that Sieur Cantrelle, as Curator of said succession, be cited before the Council. Signed: Lesassier.

Permit to cite.

July 24, 1752. Permit to cite, signed: D'Auberville.

Notice served.

July 25, 1752. Notice served on Sr. Cantrelle at his domicile in New Orleans, on petition of Charles Lesassier. Signed: Lenormand.

July 26.

3¼ pp.

Claim for a canoe against masters of slaves who stole it.

Petition to M. Michel de la Rouvilliere, Councillor, General Commissioner of the Marine, Ordonnateur in this Province, and First Judge in the Council, by Nicolas Godefroy Barbin, settler, stating that last year, when he was in New Orleans, one of his negroes came to tell him that his large canoe had been stolen and that the Commandant had sent negroes along the coast to search for it. The petitioner was then with M. Fuselier and near Mr. Pradel, a neighbor of the

petitioner, who told him that two of his negroes, and a negress and two negroes of M. Alexandre took it away. The petitioner thereon went to the Registry to make his declaration. He then heard that these negroes had run away, but it was not proven that they were in the canoe, and then that a negro and negress of M. Pradel and one of M. Alexandre had been apprehended and were in prison, wherefore M. Pradel consented to pay three-fifths of the value of said canoe, and that R. F. Dagobert, Curé of this Parish, would have to pay the other two-fifths, on which they did not agree, wherefore petitioner prays that Sr. Pradel be cited before the Council, to be condemned to pay 400 livres, which he paid Sr. Beltremieux, as per receipt, for the said canoe, unless he abandon his negroes to the terms of the ordinance, to have recourse against whom it shall appertain for the said sum, interest and costs.

Permit to cite.

July 26, 1752. Permit to cite, signed: Michel.

Notice served.

July 29, 1752. Notice served on Sr. Pradel at his domicile, on request of Sr. Barbin, to appear before Council on the first Saturday of August, to answer on the said petition and to hear ordered what is just, the sheriff leaving copy of same, as well as of the notice, which was certified. Signed: Lenormand.

Document going to pieces.

1 p.

Defense of Pradel.

August 4, 1752. Defense before the Council by Sr. Pradel, former Captain, to complaint of M. Barbin. Sr. Pradel was never averse to paying his prorata on the value of the canoe, but there were six slaves, two of M. Alexandre's and one of M. Pradel's, died in the journey, but the masters are none the less responsible, Sr. Pradel owing but three-fifths, about 200 livres, to Sr. Barbin, and not 400 livres as he claims, for the one he bought from Mr. Beltremieux, as per receipt. Signed: Pradel.

1 p.

Cost of Canoe.

Statement of what the canoe cost the Commandant, bought at auction from the wreck at "Isle of the Bretons": 427 livres.

July 28.

3¼ pp.

Petition for separation of property and goods.

Petition to M. Michel de la Rouvilliere by Marie Catherine Vincennes, wife of Jean Baptiste Baudreau, stating that by the wastefulness and mismanagement of Sr. Baudreau she and her large family are exposed to total ruin, since he sold her last slave, and that notwithstanding the quantity of merchandise

paid him for said negro, he contracted at New Orleans and Mobile for more than a thousand livres of debts, so that the petitioner for protection, and through dire necessity and the good of her family, and to preserve the donations of her deceased mother, is compelled to ask for separation of property, offering witnesses and vouchers, and as the Procureur of the King is held to protect the rights of wards, she prays that the present be communicated to him, and begs that the witnesses she names be cited to testify, and that she be allowed to take security for the property mentioned in her contract of marriage. Signed: Hélo, acting for Baudreau woman.

July 28.
½ p.
Invoice.

Invoice of a bale of merchandise on the King's ship, the "Rhinoceros", consigned to M. Charmeteau, at risk of M. Chantalou of New Orleans, by Mr. Testar of La Rochelle.

July 29.
2¾ pp.
Petition for payment of a debt.

Petition by Jean Coupry, Captain and manager of the "Amiable Suzanne", under Captain Augrand, claiming from succession of deceased Jean Cariton 225 livres, for a cask of Bordeaux wine delivered from said cargo, and payable in three months, wherefore he prays that Sr. Cantrelle be cited, to be compelled to pay said sum. Signed: J. Couprie.

Permit to cite.

July 29, 1752. Permit to cite, signed: D'Auberville.

Notice served.

July 29, 1752. Notice of citation served on Sr. Jacques Cantrelle by Sheriff Lenormand.

July 31.
2 pp.
Petition for payment of a debt.

Petition by Francois Goudeau, Surgeon of the City, praying for citation of Le Kintrek, for payment of the sum of 904 livres, 16 sols, 3 deniers, as per memorandum hereto annexed. Signed: F. Goudeau.

Permit to cite.

July 31, 1752. Permit to cite, signed: D'Auberville.

Notice served.

July 31, 1752. Notice served on Sr. Couturier, as tutor of minor heirs of Le Kintrek succession, at his domicile in New Orleans, by Sheriff Lenormand.

July 31.
3½ pp.

Petition to the Superior Council by Nicolas Delysle, for citation of Sr. Jung before the Council, to be compelled to pay 50 livres

Petition for indemnity.

for the upkeep of a plantation; to the said Champagne 50 livres for the time the said negro was laid up, and to settle on a sum as indemnity for the loss of an eye of said negro, with all expense. Signed: Delille.

Notice served.

August 1, 1752. Notice served, following ordinance, on Sr. Jung, merchant of New Orleans, on petition of Sr. Delisle.*

(Month and day not given: only "1752").

(Account): For 1749—Sr. Kiaule owes Gueydan 30 ls. For drugs and medicines, 45 ls. Above bill amounting to 19 piastres.

Account.

For 1752—Purgative to a child, (blank); bleeding Mademoiselle, 14 ls.; Bleeding the same in the foot, 3 ls.; purgative to same, 5 livres; to same, two purgative clysters, 5 ls.; Three "Kina" powders to same, 3 ls.; Three doses of mala, 4 ls.; three powders of Kina, 3 ls.; three idem to the same, (blank): Total, 27 ls. 00.

Document consists of two loose pages, stained and torn.

(Month and day not given: only "1752").

Invoice charged to Mr. Chantaloup (Chantalou) from Mr. Testar of La Rochelle, sent on the "Rhinoceros" under name of Mr. Charmeteau. Value L. 607 ls. 16."

Invoice.

Document torn and stained.

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*(Note:—Difference in orthography of proper names is due to their being transcribed as the text gives them.—H. H. C.)

(To be continued)

INDEX TO THE SPANISH JUDICIAL RECORDS OF LOUISIANA
LVII.

July, 1783.

(Continued from January, 1938, Quarterly)

By LAURA L. PORTEOUS.
With Marginal Notes by Walter Prichard

Spanish officials appearing in this installment:

Esteban Miro, Colonel of the Regiment of Infantry of Louisiana, and Commander in charge of the Political and Military Government of this Province, by disposition of His Excellency, Bernardo de Galvez, Governor and Captain General therein.

Martin Navarro, Intendant General of this Province and of the Royal Treasury.

Alcaldes: Francisco Maria de Reggio; Juan Ventura Morales; Pedro Chabert (1787); Carlos de Reggio (1787); Andres Almonester (1789).

Escribanos: Rafael Perdomo; Fernando Rodriguez; Pedro Pedesclaux.

Attorneys: Pedro Bertoniere; Francisco Broutin; Antonio Mendez (1787); Felipe Guinault (1789).

Juan Doroteo del Postigo y Balderamma, Auditor of War and Assessor General of this Province.

Nicolas Fromentin, Deputy Sheriff.

Luis Liotaud, Official Taxer.

Francisco Dubois, Public Town Crier.

Santiago LeDuc, Surgeon of the Charity Hospital.

July 2, 1783.

Proceedings brought at the instance of Pedro Miraval, asking for a permit to sell, at public auction, a Bilander named the San Tomas.

No. 75. 3 pp.

Court of Intendant Martin Navarro.

No Assessor.

Escribano, Rafael Perdomo.

This case illustrates the legal procedure necessary to obtain permission to sell a ship in Spanish New Orleans. The case is handled in the Court of the Intendant, who had jurisdiction over all commercial matters.

Pedro Miraval, Captain of the Bilander, named the Santo Tomas which cleared from Guarico, for this Port, with a cargo of freight, permitted to be imported into this Colony, presents himself before the Intendant and states that he has been in this harbor for some time, without funds to unload, the money to pay his crew, or the costs and expenses he has incurred; therefore he prays for a permit to sell his boat. Martin Navarro rules: Let this party be conceded the permit he asks, but first the formalities of the law must be complied with. Let the Escribano of this cause be entrusted with the proceedings for the auction sale, which will be held on the day following the last public call.

The three public calls are given on July 3rd, 7th, and 11th, by the present Escribano, pursuant to the above decree, and not by the Public Town Crier as was customary during the Spanish Domination. Nothing further is done before the Court, which leaves the proceeding unfinished.

July 12.

Pedro Bertoniere, defender of the absent heirs of Francisco de la Ronde, vs. one named Bruneau, to collect a debt.

No. 26. 5 pp.

Court of Alcalde Francisco Maria de Reggio.

No Assessor.

Escribano, Rafael Perdomo.

This suit to collect a debt contains no unusual features of legal procedure in Spanish Louisiana.

The plaintiff presents two exhibits, as a basis for his suit. The first is a promissory note, dated December 6, 1782, signed Bruneau, and reads that the maker promises to pay Mr. de la Ronde, in the current month of next February, 53 piastres in money of the Royal Treasury, a final payment of a remainder due for four cows and two calves that he received from the said gentleman.

The second is a bill amounting to 77 piastres for several articles mentioned, such as 1 blue coat, 1 bordered hat, 1 violin, 1 vest, 1 shirt, etc. Below the bill F. de la Ronde writes a note asking Mrs. Wiltz to accept the abovesaid bill for Mr. Bruneau and she will oblige her dear friend F. de la Ronde.

Pedro Bertoniere, as defender named for the absent heirs of the late Francisco de La Ronde, then states that as may be proven from the notes he has presented, a party named Bruneau owes the estate of the deceased 130 pesos. In consideration thereof and in order to collect the said payment, he prays to have Mr. Bruneau acknowledge the debt, under oath and without delay, and also to verify his signature at the end of the note, and done deliver his declaration to the petitioner to be used to enforce the rights of his clients. De Reggio rules: The notes having been presented, let the defendant acknowledge, swear and declare as petitioned, and done deliver his declaration to the plaintiff.

Perdomo reports to the Court that pursuant to the foregoing decree he looked for Mr. Bruneau, in the city, and was told he made his home in the country.

Pedro Bertoniere presents a second petition, stating his opponent has been ordered to verify his signature, but this he has not done because he lives on Widow Piseras' plantation, and so the Escribano was unable to notify him of the Court's decree. Considering the above and in order that it may have effect, he prays for a writ of citation to be issued and entrusted to any competent person for delivery. Francisco Maria de Reggio decrees: Issue a writ of citation, as petitioned, and entrust its delivery to any competent person. The record ends with this decision.

July 16.

Santiago Benetau
vs.
Francisco Dubois.

No. 3323. 4 pp.

Court of Alcalde Francisco Maria de Reggio.

No Assessor.

Escribano, Fernando Rodriguez.

To claim a sum of money deposited in trust.

This suit to recover a sum of money deposited with a friend for safe keeping, contains nothing unusual in legal procedure.

Santiago Benetos (Benetau) avers that he is a fisherman, continually away from the city, so for this reason he has turned over 166 pesos to a man named Dubois, the Public Town Crier here, to take care of for him during his absence. And whereas he has requested the abovesaid to return this amount, he has refused to do so, falsely alleging that he has given it back. In consideration whereof and because this is a case which merits the most prompt attention, he appeals to the justice of the Court and prays that an order be issued to cause the abovenamed to appear and, under oath and without delay, swear and declare whether or not he delivered to him the said sum to take care of while he was away, and done let his declaration

be given to the petitioner to be used to enforce his rights. De Reggio rules accordingly.

Francisco Dubois, under oath, declares he does not owe Santiago Benetos anything, because last Saturday he returned to him the 166 pesos he had in his possession belonging to him.

Santiago Benetos presents a second petition, in which he sets forth that as it appears from the defendant's declaration, he confesses to have returned the amount named, thus clearly proving that he had had the money in his possession. In consideration thereof and that the merits of the case are in his favor and against his opponent, he prays for a writ of execution, issued in the ordinary way against his person and estate for the payment of the said sum, its one-tenth and costs. He swears by God, Our Lord and a Sign of the Cross, in conformity to law, that the said sum is due him and has not been paid. Alcalde de Reggio accepts this petition and later decrees: Issue a writ of execution in favor of Santiago Benetau against the person and estate of Francisco Dubois for the sum of 166 pesos that he declares he has received from the abovesaid and has not returned. To this amount the one-tenth and costs must be added. The record ends here and is incomplete.

July 18.

Proceedings brought by Pedro Aragon against Mrs. Olivier, to collect a debt.

No. 3314. 16 pp.

Courts of Alcaldes Francisco Maria de Reggio, Pedro Chabert, Carlos de Reggio and Andres Almonester.

Assessor, Juan del Postigo.

Escribanos, Fernando Rodriguez and Pedro Pedesclaux.

This suit to collect a debt, illustrates the liability of an agent when the principal was not disclosed at the time the purchase was made and the obligation contracted. The case dragged out in the courts for six years, apparently because the creditor was waiting for the debtor to acquire sufficient property to enable him to recover the sum due.

It is apparent from Pedro Aragon y Villegas' first petition that other proceedings have been instituted to collect this debt. He states: According to the mandate he duly presents (not included) Mrs. Olivier owes him for 12 pieces of satin. He has reminded her of the debt several times, but she has refused to pay. Therefore, may it please the Court to order a Minister of Justice to go to the said lady's dwelling house and seize enough of her property to satisfy the said amount, its one-tenth and costs. Alferez de Reggio, acting for Juan Ventura Morales, rules: Let the defendant swear and declare to what is contained in the foregoing petition, and done let her deposition be brought to the Court.

Mrs. Oliver gives her deposition.

Mrs. Olivier, under oath, declares that it is true she received the 12 pieces of satin from Pedro Aragon as stated, but she accepted them for Joseph Briones' account.

The plaintiff presents a second petition.

The plaintiff presents a second petition, saying: As has been proven by Mrs. Olivier's declaration, she owes him for 12 pieces of satin, at the rate of 9 pesos a piece, the price at which he sold them to her, amounting in all to 108 pesos. He prays for a writ of execution against her person and estate. Francisco Maria de Reggio receives this petition and later decrees, Whereas: Let a writ of execution be issued, in favor of Pedro Aragon against all, or any, of Mrs. Olivier's property for the sum of 108 pesos, because it appears she owes the above debt.

The writ.

The writ reads: The Sheriff of this city, or in his place the Deputy Sheriff, must request Mrs. Olivier to pay Pedro Aragon y Villegas the sum of 108 pesos immediately, since it appears she owes it to him. If she does not pay this amount at once, let execution be taken against her person and property sufficient to satisfy the said amount, its one-tenth and costs. The seized property must be placed in the Public Depository at the disposition of this Tribunal, pursuant to the decree rendered and dated this day. Thus it has been ordered. New Orleans, July 21, 1783. By order of His Honor. (Signed) Fernando Rodriguez.

The return of the writ.

In the city of New Orleans, on the twenty third of July of one thousand seven hundred and eighty three, Nicolas Fromentin, Deputy Sheriff, appeared and said that with the foregoing writ he requested Mrs. Olivier to pay Pedro Aragon y Villegas the sum mentioned therein, immediately. However, she told him that the goods which occasioned this debt had passed into the possession of Joseph Briones, for whose order they had been received. He could not make judicial seizure because he did not find any property to attach. In testimony whereof he sets this down as a matter of record.

The suit is suspended for several years.

Nothing further is done in this suit until July 17, 1787, when Fernando Rodriguez, Escribano, appears before Alcalde Pedro Chabert and in a petition sets forth that Pedro Aragon y Villegas has brought suit against Mrs. Olivier, before him, to collect a debt. He prays the Court to order a taxation of the costs of that case, to be paid by the one responsible for same. Alcalde Chabert rules: As it is prayed. Let the taxation be made by Luis Liotaud and paid by Mrs. Olivier.

Taxation of costs.

Luis Liotaud is notified, qualifies, and on July 17, 1787, taxes the costs at 11 pesos 3½ reales.

The suit is resumed.

On August 28, 1787, the suit is resumed, when Pedro Aragon y Villegas presents a petition to Alcalde Carlos de Reggio, setting

forth that as the law permits, he has reserved the right to use everything favorable to his cause, in the executory proceedings he has instituted against Mrs. Olivier. In this suit a decree was rendered on July 21, 1783, by Francisco Maria de Reggio, acting in the absence of Juan Ventura Morales, Junior Alcalde of this city, ordering a writ of execution issued. This writ was never carried into effect, because the defendant had no seizable property. The case was not continued, owing to the fact that Mrs. Olivier was absent from the city. She has now returned, bringing with her two negresses. He prays the Court to order one of them distrained for the satisfaction of his debt, its one-tenth and costs. Carlos de Reggio receives this petition and sends it to Licenciado Postigo for legal advice. Later, upon obtaining this said advice, he rules, Whereas: Let this petition be sent to Mrs. Olivier. Assessor's fees 2 pesos.

The defendant fails to answer.

Mrs. Olivier fails to answer, so the plaintiff presents another petition, saying that he has been notified of a decision of the Court, by which his last petition, asking for the seizure of one of the defendant's two negresses, was ordered sent to her. He fears the defendant may make a simulated sale to avoid paying her debt. Mr. Aragon prays the Court to decree that a formal interdiction be issued and delivered to the said lady to prevent her from effectuating any sale, and also to notify the Escribanos of this ruling, thus making it clear to them that they must not execute any act of conveyance for the said negresses. Carlos de Reggio, on Postigo's advice, decrees: As it is prayed.

Mrs. Olivier finally answers.

Mrs. Olivier, through her attorney, Antonio Mendes, finally answers with a long petition, in which she avers that she has been given a written request, wherein the plaintiff asks for seizure of one of two slaves which he presumes belong to her. She prays the Court to declare his claim without merit, all proceedings in this cause null, and to condemn him to pay costs.

She supposes the first nullity to be due to the fault of the Escribano. It appears in the petition filed to begin this suit. Therein Aragon says: According to the mandate he duly presents. This document was not entered with the records and can not be found. What she infers is that the said mandate must have been issued for Josef de Briones, to whose account the indebtedness must be charged, as he is the one responsible for the debt and is obligated to pay it.

There is also another nullity. Aragon prays to have a Minister of Justice go to her house to seize enough of her property to pay a certain sum, its one-tenth and costs, although he does not know, nor specify, what the amount is. At the time mentioned it was decreed that she must swear and declare to the tenor of the said petition.

She prays the Court to consider the fact that this decree does not conform to the demand, and that to such an irregular petition the ruling should have been to send same to her so that upon the examination of it she could prepare her answer. It must also be taken into account that the paper which he says he duly presented, did not appear, therefore how could she declare to its tenor, when it was not exhibited? All the above-said makes the action null as may be plainly seen.

Permit her to cite the words of the Authors of the Kingdom, with bearing on this case. They say: The confession made by the party, referring to any instrument, will be executable inasmuch as what is alluded to must appear in that said instrument. Now then, how could they go to her home to obtain her declaration, when the instrument, to which the petitioner refers is not exhibited.

However she obeyed the decree, denied the debt and set forth, in her declaration, that she received the 12 pieces of satin for Joseph Briones' account. She also made it clear, in her receipt, that she did not accept the goods for herself and thereby repudiated all obligation to pay for goods delivered to Mr. Briones, through her. Will the Court deign to read these words, by the same Authors, already cited? They state: When the confession is made with a conditional stipulation, such as if the debt is acknowledged at a certain day of payment, but is repudiated in part, or in anything, if not in all, or with some condition, it can not be accepted. So then, the declaration she made must not be judged effective or if so it will be necessary to enter suit against Josef de Briones to obtain satisfaction.

But these have not been the only nullities. According to the Revised Laws of Castile, a certain and liquid sum must be acknowledged, as a debt, under oath and in a judicial procedure, before a writ of execution may be issued. Let her declaration be read to her, now, so that she may be informed as to just what amount she has acknowledged to be the value of the satin.

The price stipulated in this cause is based upon the mere word of Aragon, and on this alone a writ of execution was issued. It will be seen, then, that this writ was founded upon a well known nullity, and consequently all subsequent proceedings are null.

And lastly, saying, with no offense to His Honor, that this Tribunal lacks the faculties to pronounce a decree of execution, without consulting the Assessor General of the Province. It is another cause of nullity, because to levy a writ of attachment is odious, carrying with it judicial compulsion and seizure of property, and a reversal can not be expected after the sentence has been carried out.

From the above statements it may be inferred that to serve a writ, already issued, a second time, as Aragon has attempted in his petition which she now contests, is unfounded, malicious, unlawful, groundless and null, and that in punishment for his act, he should be condemned to pay the costs and the one-tenth of the execution. De Reggio, on Postigo's advice, orders this petition sent to the opposition.

The defendant presents a second petition.

Maria Olivier presents a second request, wherein she states that her foregoing petition was delivered to her opponent. More than a month has passed, but he has not answered, therefore she accuses him of being in default. She prays to have the said petition removed by judicial compulsion and delivered to her, so that the suit may be continued. There is no ruling to this petition.

After another suspension the case is resumed.

On June 5, 1789, the case passes to Junior Alcalde Andres Almonester's Court, where Pedro Aragon y Villegas, represented by his attorney, Felipe Guinault, presents a petition, saying that this suit has not been taking its course for some time past; therefore to acquaint himself with its present condition, he prays to have the records delivered to him. Almonester, on Postigo's advice, rules: As it is prayed.

Mrs. Olivier fails to answer.

Mrs. Olivier fails to answer this demand. Mr. Aragon presents a second petition, averring that he has been given the records of this case so as to acquaint himself with the present condition of the suit. On the reverse side of page 10 he finds a decision rendered by Carlos de Reggio, after consulting Juan del Postigo, in reference to his demand on the same page. This decree ordered the Escribanos to stop Mrs. Olivier if she attempted to make a simulated sale of either one of the negresses mentioned in his petitions on pages 8 and 10. He suspects, with just cause, that the aforesaid interdiction has not been carried out, and that some sale may have been secretly made with the deliberate intention to elude payment. May it please the Court to order the two acting Escribanos to certify as to what may have taken place in the particular, and done carry the above cited decree into due effect. He reserves to himself the right to prosecute this suit and seize any property that may belong to his opponent, in accordance with the present state of this cause, up to the satisfaction of his debt, in spite of the errors of legal procedure. Alcalde Andres Almonester, on Postigo's advice, accepts this petition for future ruling. Later, on the Assessor's advice, he decrees, Whereas: Let the Escribanos certify, as petitioned, and done let their certifications be brought to the Court. The suit ends with this ruling.

July 21.

Executory Proceedings brought by Martin Braquier, as testamentary executor and guardian of the estate of the late Jose Jeofroy, to collect a debt due the succession by Claudio La Coste.

No. 52. 6 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This suit to collect a debt due to a succession presents no unusual features in legal procedure.

Martin Braquier, Testamentary Executor of the late Joseph Jeoffroy, presents a note, dated October 31, 1781, for 306 piastres, which the defendant agrees to pay during the current month of next December. With this note as a basis for the claim, the plaintiff avers that it is evident from the above that Claudio Lacoste owes the Jeoffroy succession 306 pesos, and although he has instituted several suits he has been unable to collect. Therefore, he prays the Court to order the defendant, under oath, in due form and without delay, to verify his signature and acknowledge the debt, and done, if the result is in conformity to what he has stated, order the money belonging to the said La Coste, now in the keeping of Jaime Jorda, seized to satisfy the said 306 pesos, for which amount the corresponding receipt will be given. Governor Miro rules: The obligation having been presented, let the defendant swear and declare as petitioned; the taking of his deposition is entrusted to the Escribano, and done let the declaration be delivered to the Court.

On July 22, Claudio La Coste appears before the Escribano, and under oath, after the obligation was shown to him, declares the signature is his and that it is true he owes the amount stipulated therein to Martin Braquier, in his capacity as Testamentary Executor of the late Jose Jeofroy, to whose succession he is indebted for the said amount.

Martin Braquier states, in a second petition, it is evident from the foregoing declaration that the defendant owes the 306 pesos he claims. Therefore, he prays for the seizure of the money in Jaime Jorda's possession, belonging to La Coste, to pay the said sum. When he has received it he will draw up the corresponding receipt as he has been ordered to do. Governor Miro, on Postigo's advice, receives this petition for further ruling, which is rendered on August 8, 1783, namely: That he orders and does order a writ of execution issued against the person and estate of Claudio La Coste for the sum of 306 pesos, its one-tenth and costs, caused or to be caused up to the real and effective payment. This is his decree, and thus he orders and signs. Fee 2 pesos. This decree ends the process; therefore it is unfinished. [See Louisiana Historical Quarterly, XVII, 572. Succession of Joseph Jofroy, January 4, 1782.]

July 21.

Maria Chauvin
vs.
Henrique Roche.

No. 3327. 13 pp.

Court of Alcalde Francisco Maria de Reggio.

No Assessor.

Escribano, Fernando Rodriguez.

Redhibitory Action.

This redhibitory action, to compel a former owner to take back a slave claimed to be insane, and to refund the purchase price, affords a good illustration of the Spanish law and procedure applicable to such cases.

The first entry is a certified copy of a Notarial Act of Sale, dated February 6, 1783, executed before Leonardo Mazange, by which Henrique Roche sells to Maria Chauvin a negress, named Adelaida, aged about 25. She belongs to him because he bought her from Luis Bonrepos and later bid her in at the death of his own wife, Catalina Laurandine. He sells the slave to the aforesaid Miss Chauvin for domestic service, as healthy and without blemish, free of all liens and mortgages, as the present Escribano certifies, upon consulting his books. This sale is made for 550 pesos, paid in cash.

Maria Chauvin presents this copy and states that about four months ago she bought from Henrique Roche a negress, named Adelaide, as good, healthy and without blemish, as may be proven from the above Notarial Act, duly presented. In accordance with this act, she sold her, as such, for the same price, to Rafael Perdomo, Escribano of this city. He has returned the slave, saying that she is insane. Therefore, in order to bring suit against Henrique Roche, since the case comes within the terms provided by Law for Redhibitory Action, she prays to have the Escribano certify as to what has been recorded in the matter, and also that the testimony of witnesses be received for her upon the tenor of what she has just set forth, and done decree that these declarations and the certificate be delivered to her. In a secondary request, she asks the Court to order the present Escribano to certify upon the contents of the written document which conveys the negress to Rafael Perdomo, and note in the margin of same, that this contract has been rescinded. When the abovesaid has been done, she will return the 551 pesos he has paid to her. Alferez de Reggio rules: The copy of the written document having been presented, in the principal and secondary petitions, as it is prayed.

Rafael Perdomo's certification.

Rafael Perdomo, Notary Public for War, the Royal Treasury and Registration, as best he can and must, certifies and attests that the negress, named Delahida, slave of Maria Chauvin was sold to him as healthy and without blemish, for 551 pesos, at the end of last month, as the written Act of Sale, drawn up before the present Escribano, stipulates, but the third day after taking possession of the negress, he discovered that she was and is crazy.

For this reason and because he has been informed by trustworthy persons that while she was in the possession of the said Maria Chauvin, she suffered from the same dementia, and knowing his just claim for rescinding the contract of sale, she was kind enough to take back her slave, without judicial proceedings, and return the 551 pesos. Therefore, pursuant to the decree and so that this certificate may have credit whenever convenient, he sets the present down in New Orleans, July 23, 1783.

Fernando Rodriguez certifies.

Fernando Rodriguez certifies and attests that the negress, Delaida, belonging to Maria Chauvin, is the same as was sold to Rafael Perdomo for 551 pesos. She implored the witness to intercede with her owners not to choke her. She also spoke very foolishly and as one demented, therefore he rated her as crazy. In accordance with the Court's decree, he sets this down in New Orleans, July 23, 1783.

Maria Chauvin presents a petition.

Maria Chauvin petitions, saying that Adelaida's insanity has been proven by the certification filed with these proceedings. Therefore, she has sufficient grounds to enter suit against Henrique Roche, for fraud. She prays the Court to order Santiago Leduc, Surgeon, who treated her during an extreme illness, while she belonged to Henrique Roche, to certify to all known to him upon the subject, and done deliver his certification to her. De Reggio decrees: Let Santiago Le Duc certify as has been requested, but first he must qualify, as the law requires. Notify Henrique Roche of this demand.

Santiago Le Duc certifies.

Santiago Le Duc, Surgeon of the Charity Hospital of this city, pursuant to a request by Maria Chauvin in the foregoing petition, certifies that on August 14, 1781, and for a space of 16 days, he treated, medically, a negress, named Adelayda, who then belonged to Henrique Roche, for a pain in her stomach, retention of the urine and worms. At that time he also sounded her.

The plaintiff again petitions.

Maria Chauvin avers that she has instituted proceedings to prove that Adelaida's dementia was brought on by the maladies from which she suffered at the time she was Henrique Roche's slave. These infirmatives were sufficient to cause insanity to develop, within the six months the law permits for the bringing of Redhibitory Action. She prays to have the defendant ordered to take back the negress and refund the 550 pesos she has paid for her. Francisco Maria de Reggio orders this petition sent to Henrique Roche.

The defendant answers the plaintiff.

Henrique Roche, through his Attorney, Francisco Broutin, answers, saying that he has received Maria Chauvin's petition

wherein she claims he sold her a crazy negress, named Adelayda. This charge is chimerical and imaginary, because five months elapsed from the day the slave was bought until the day his opponent presented herself against him; in this interval Adelaida could have lost her mind. He can prove that during the time he owned her she never showed any signs of insanity.

The certifications of the Escribanos to this effect must not be admitted, since neither of them know enough French, nor Adelaida Spanish, to understand each other perfectly. Santiago Le Duc, in his certification merely states that about two years before, he visited and treated Adelaida, medically, during 16 days, for a pain in her stomach, retention of the urine and worms, and that he sounded her at the time. The above named infirmities are not among those prohibited by law for the sale of slaves, and besides this illness did not last more than 16 days. A further proof that Adelaida was not crazy when he sold her is that she was appraised at 650 pesos, by experts of this city, in the inventory made of the estate at the death of his wife. Another proof that the woman is not insane is that when he bought her from Luis Beaurepos, some six years before, for 400 pesos, he acquired her to be a nurse for his grandson, Lafitte. She gave him the breast, and this he would not have permitted, had she been crazy. Later the negress had a daughter, Jacintha, who was also nursed by her. Santiago Murray bought this child from him to free her. Therefore he prays the Court to disregard and reject the plaintiff's demand, and condemn her to pay all costs caused, or to be caused. De Reggio orders this petition sent to Maria Chauvin.

Maria Chauvin answers the defendant.

Maria Chauvin answers the defendant, setting forth that the reasons given by her opponent are unworthy of consideration because they are silly, badly declared and insolent. He claims that the certifications of the Escribanos can not have place, owing to the fact that they do not understand French sufficiently well to make and take statements in that language. Such a claim is absurd, when all the affairs of the Colony and everybody living here must treat with them in French, yet no one has ever complained that he has not been properly understood. However, it is not necessary to understand French to pronounce the negress crazy. It was from her actions that she was judged as insane, and it is generally known throughout the city that this condition proceeded from her ill health.

He also says, that Dr. Le Duc'c certificate does not prove the slave's illness, although he promptly declared this to be a fact; besides, when he treated her he warned Mr. Roche not to permit Adelaida to get herself wet, otherwise she would not regain her health. Well she could nurse children, give birth to them and act as a servant, without giving any evidence of in-

sanity, when not troubled by her infirmities, but once she happened to get wet, then her mind would become affected. She did not buy her for the same purpose as Mr. Roche, but to wash in the Bayou and in her house, to iron and for other domestic work. Therefore, she prays for the better proof of the said illness and of what she has related in her written petition, that Dr. Le Duc be ordered to testify to the part that concerns him. Francisco Maria de Reggio decrees: Let Santiago Le Duc swear and declare as requested, and also let the negress, Adelaida, late slave of Henrique Roche, appear so that she may also declare from what infirmity she suffers and for what length of time. The taking of these declarations is to be entrusted to the present Escribano, and done bring them to the Court so that the corresponding decree may be rendered.

July 28.

Proceedings brought by Joseph Conan to obtain a permit to sell some barrels of flour.

No. 30. 2 pp.

Court of Governor Esteban Miro.

No Assessor.

Ecribano, Rafael Perdomo.

This case illustrates the legal formalities connected with issuance of a permit to sell four at auction in Spanish New Orleans.

Joseph Conan states that he has some barrels of flour he would like to sell, at public auction, and prays for a permit to this effect. Miro orders the flour examined by Messrs. Pertuy and Cadet, persons competent to judge whether or not it is fit to be used for bread making, and if so, to concede him the permit he requests. Messrs. Perthui and Jacques Monlon (Cadet) are each notified of their appointments, and in separate proceedings accept and take oath to make the examination. Pursuant to the foregoing decree, Santiago Monlon and Nicolas Pertui went to Francisco Bauligne's (Bouligny) warehouse, where, in the presence of the Escribano, they examined the flour. They declare it to be in its natural state, fresh, in prime condition and good for consumption. The record ends here.

July 28.

Genoveva, a free mestiza,
vs.
Victoria, a free negress.

No. 3342. 8 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo.

The first document on file is a certified copy of a sale of real property, with mortgage, executed before Fernando Rodriguez, Notary Public, dated April 22, 1783. By this Act Genoveva, a free mestiza, sells to Victoria, a free negress, one half lot of ground on Dumaine Street, measuring 30 feet front by 120 feet deep, adjoined on one side by a

Escribano, Fernando Rodriguez.

To rectify an error in the measurement of a lot of ground.

This case illustrates the legal procedure involved in correcting an error in the description of a piece of real estate, after the act of sale had been passed.

lot belonging to Maria Bodaille and on the other by the vendor's own property. A cabin made of stakes in the ground, covered with shingles, has been built upon the said lot. This real estate belongs to Genoveva, because she bought it from Maria Chataulin, a free mulattress, by written Act drawn up before Andres Almonester, dated December 13, 1771. The present sale is for 500 pesos, of which amount she has received 400 pesos in cash, the vendee agreeing to pay the remaining 100 pesos within one year. Written in French, on the margin of the above copy, and signed by de Reggio, is an annotation to the effect that the party has sold to a depth of 60 feet only, and not 120 feet as stipulated in the Act of Sale. The Notary was mistaken; therefore, it will be necessary to correct the said Act.

This document is presented by the plaintiff, who sets forth that it may be seen from the above that she sold the defendant a lot on Dumaine Street, measuring 30 feet front by a depth of 60 feet. She went to the present Notary's Office with a note for him to use in drawing up the written Act of Sale. This memorandum mentioned 30 feet front on the said street, without stipulating the depth. Later, when she returned to have the said act passed, she found the conveyance was for 30 feet front by 120 deep, instead of 30 x 60, as she had intended, because she had not explained the matter clearly in her note. The undersigned Notary, in accordance with her statement for 30 feet front, with no further information as to depth, set down the ordinary measurement for all city lots, in the instrument he was drawing up. She prays the Court to consider that what has taken place has been due to her limited intelligence and inability to explain her meaning fully. Therefore, may it please His Lordship to order the said act annulled, with the condition that if the purchaser is willing to accept the lot, measuring 30 x 60, which is what was really sold, the sale may be held as binding. However, if she is not satisfied let her take back the 400 pesos she has already paid and thus cancel the sale. In a secondary petition, Genoveva states she can prove that Victoria asked her, several times, to sell her 30 feet front by 60 deep of her ground, which was fenced off with stakes to the depth of 60 feet. The malice of the said negress is evident when three months later she demands in Court 30 more feet to be taken from the vendor's court yard, which is independent of what she has already acquired. Miro, on Postigo's advice, orders this petition sent to Victoria, the free negress. The record ends here.

July 29.

Proceedings brought by Simon de Bustamante to prove that the Certification of Registry was not delivered to him in the city of Havana.

No. 5. 18 pp.

Court of Intendant Martin Navarro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This case illustrates the legal procedure involved in securing permission to unload at New Orleans the cargo of a ship, when the captain of the vessel was unable to produce the Certification of Registry. Since the case dealt with a commercial matter, it was handled in the Court of the Intendant.

Simon de Bustamante, Captain of the Brigantine, Nuestra Señora de Bulvanera, petitions, saying: His ship sailed from Havana with a cargo of the products of that city, destined for New Orleans, via Pensacola. The petitioner thought his Certification of Registry was enclosed in the package of papers delivered to him by the Administration of Posts of that place. He arrived at this Port without knowing the said certificate was missing. In consideration whereof and under the necessary protests, he prays to be permitted to prove that it was not through negligence on his part, to request this document, that he can not produce it now, and also to prove that the freight shipped on board is from the Island (of Cuba) and not from a foreign country. Captain Bustamante further asks to be allowed to discharge his cargo so as to deliver it to the consignees. Navarro, on Postigo's advice, rules: This party must give the evidence that is required. Let his witnesses appear before the Assessor General, who is entrusted with the taking of the testimony, and done a decision will be rendered.

Testimony of the witnesses.

Joseph de Lago is the first witness called before Assessor Juan Doroteo del Postigo y Balderrama, and his testimony is as follows: He sailed from Havana on the Brigantine, called Nuestra Señora de la Bulbanera. Simon de Bustamante, the Captain, cleared her in the month of June, but he does not remember the exact day of sailing. Their destination was first Pensacola and then this Port, the cargo consisting of the products of the Island of Cuba, such as rum and sugar. The witness knows that the said Bustamante did go to obtain his registry, and having delivered the original certifications to Miguel Rengil, who has charge of such matters, he was told by the latter that when he went on board he would take him the chest containing the packages of public documents and a letter, but the witness does not know its contents, nor whether it was for Pensacola or New Orleans. He promised to deliver the Registry (Certificate of Registry) at the same time. In fact they did deliver the package of papers and also the letter, but not the Registry, nor did the Captain ask for it, because he was given to understand that it was enclosed in the said package directed to the Governor at Pensa-

cola as well as the Governor of this Province. All the above said is very well known to everyone that it was not through malice, on the part of the Captain, nor because he failed to take the necessary proceedings to obtain this paper, that has caused him to sail without it.

Joseph Fernandez, the next witness called, gives the same testimony as Joseph de Lago.

Juan Caballero, a passenger, testifies that they sailed from Havana, on June 17, 1783, for New Orleans, via Pensacola with a cargo of rum and sugar. While in Havana he saw on the walls of the Post Office (Custom House?) the official notice, customary to place there to notify the public that the said Brigantine is ready to receive freight. Whenever a notice of this kind is posted it is by order of the Intendant, after the Captain has complied with all the requirements to obtain permission to take on cargo.

Juan de Fuentes, Quartermaster of the Brigantine, Nuestra Señora de Bulmanera, declares they sailed from Havana, July 17th, for this city, stopping at Pensacola en route, with a cargo from the Island of Cuba, namely rum, sugar and some bottles of honey. The Captain complied with all the requirements to obtain his Registry. The witness also saw on the walls of the Administration of Posts, in the Square before the Governor's House and in the New Square, the official notice to announce the sailing from that Port for this, stopping on the way at Pensacola. These notices are never posted unless the necessary permission from the Intendant, to load freight, has first been obtained. He also heard the Captain say (the Certificate of) Registry was enclosed in the package of public documents.

Jorge Saltari adds nothing new to the testimony already given.

Simon de Bustamante presents a petition.

Simon de Bustamante then petitions, saying that by a previous decree he was ordered to prove the truth of what he had set forth in his request on page 1. In obedience to this decision, he has presented five witnesses who have given the required testimony. Therefore, may it please the Court to order their depositions delivered to him, so that upon the examination of them he may promote whatever else that may be convenient to him. Martin Navarro, on Postigo's advice, rules: Let these depositions be delivered to this party.

Captain Bustamante presents a second petition.

Captain de Bustamante presents a second petition, averring that he has received the depositions of the witness, in conformity to what he has asked in his foregoing request and, considering this said testimony, clearly proved that the reason he did not present the Certification of

Registry, on his arrival, as he should have done, was not because of ignorance on his part as to what should have been done in the particular, but through the fault of Miguel Rengil, the Official in charge of such matters in the General Administration of Posts in Havana. Therefore, may it please the Court to consider the prejudices inflicted upon him and order the General Administration of this Province to give him the necessary permit to unload his ship, after all formalities have been complied with. This petition is received for future ruling.

The judgment.

On August 4, 1783, Martin Navarro, on Licenciado Postigo's advice, decrees, Whereas: With what Simon de Bustamante has represented in his petition on page 1 and the testimony he has submitted upon the matter, it is evident that he has not presented the Certification of Registry, in conformity to the provision by Royal Ordinance. It has also been proven that the cargo brought in the Brigantine under his command is the product of the city of Havana, and therefore not unlawful to import into the Colony. In virtue of which His Lordship says he approves and does approve and declares the rum, sugar and honey he brings has not been forbidden entry into the Province. In consequence, he concedes and does concede the necessary permission to discharge his freight, but the said Bustamante must first give bond for the security of the results. And within a term of three months, counting from the day he is granted the permit to unload, he must present the Certification of Registry in this Tribunal. The General Administrator of Revenues must be notified of this decision so that pursuant to what had been decreed he will issue the necessary permit to discharge freight, which must begin at once. Assessor's fees 17 reales.

A marginal note stipulates that, dated this day, August 4th, the bond that was ordered in the foregoing decree has been executed.

Captain Bustamante's last petition.

Simon de Bustamante presents his last petition wherein he sets forth that, for ends which may be convenient to him, he prays the Court to order the present Escribano to give him a complete certified copy of these proceedings executed in public form, and he will promptly pay the just and due fees, as well as the costs of the case, which must be taxed. Navarro, on Postigo's advice, decrees: Upon the payment of just and due fees, let this party be given the certified copy he has requested and let a taxation of costs be made by the present Escribano, who will be entrusted with this proceeding.

A marginal note states that the certified copy that was ordered in the foregoing decree has been drawn up on twenty sheets of paper, which the Escribano has delivered to the party. (Signed) Perdomo.

On August 6, 1783, Rafael Perdomo taxes costs at 17 pesos 3 reales.

[Note: No explanation is given as to why the Clerk of the Court, and not the Official Taxer, is entrusted with the adjustment of the costs of this case.]

July 29.

Executory Process,
Pelagia Diubernet
vs.
Pablo Lacur Dubur
(Lacour Dubourg).

No. 20. 12 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

To foreclose a mortgage of 320 pesos.

This case, involving proceedings to foreclose a mortgage, presents no unusual features of Spanish legal procedure in Louisiana.

This suit begins with the certified copy of a Notarial Act of Mortgage, drawn up before Rafael Perdomo, dated February 18, 1783, by which Pablo Lacourt Duvour (Lacour Dubourg) acknowledges he owes Pelagia Duverne, called Vañeris (Duvernay Bagneris), lawful wife of (Juan Bautista) Bagneris, absent, the sum of 320 hard pesos, for which amount he grants her a receipt in due form and obligates himself to return this money to her, or whoever may represent her, at the end of four months, that will begin to run and be counted from the date of this Act. For the security of this debt, he gives a mortgage on a plantation, measuring four arpents front, together with a mill, situated on the other side of the River, a half a league away from the city, adjoined on one side by the real property belonging to the Ursuline Nuns and on the other by Balantin (Valentin) Solar's place.

Using this exhibit as a basis for her claim, Pelagia Diubernet (Duvernay), holding the General Power of Attorney of her husband, now absent from the city, petitions, setting forth that as may be proven from the certified copy, duly submitted, Pablo Lacour (Dubourg) owes her 320 hard pesos, which she lent to him. This loan was secured by a mortgage placed upon his plantation. Up to now he has not paid anything on the debt, notwithstanding the date of Maturity was the 18th of this current month. Therefore, instituting executory proceedings, as the document she presents permits, may it please the Court to issue a writ of execution, in her favor, against any or all of the defendant's property, and particularly the plantation, to the extent of the mortgage, its one-tenth and costs. Miro, on Postigo's advice, decrees: Let a writ of execution be issued against all or any of the property of Pablo Lacour Dubourg for the sum of 320 pesos, due Pelagia Dubernet, its one-tenth and costs. Assessor's fees 2 pesos.

A marginal note stipulates that the writ of execution which was ordered has been issued and delivered to the party.

The writ follows; it reads: The Sheriff, or his Deputy, must require Pablo Lacour Dubourg to pay Pelagia Dubernet, immediately, the sum of 320 pesos, and if he does not pay the said amount, its one-tenth and costs, at once, execution must be taken against all and any of the property of the said Dubourg, and when attachment will have been made, the property seized must be placed in the keeping of the General Receiver, pursuant to the decree issued this day, at the instance of the above named lady. Thus I have ordered it, on the advice of my Assessor General. New Orleans, the twenty-ninth of July, of one thousand seven hundred and eighty three.

(Signed) Estevan Miro By order of His Lordship

(Signed) Rafael Perdomo,
Escribano Publico.

The plaintiff presents a second petition, averring that it may be noted from the certified copy which she has solemnly presented, that Juan Bautista Bagneris, her husband, conferred upon her his General Power of Attorney, so that in accordance with it she might represent him, and in order not to render her demand faulty for lack of this document, she prays the Court to permit it to be filed with the records of this case, so as to obtain the ends for which she has petitioned. Miro, on Postigo's advice, rules: The Procuration having been presented, let it be filed with the records of this case.

The last document entered is a certified copy of the Procuration, drawn up before Leonardo Mazange and dated April 22, 1782, by which Juan Bautista Bañeris (Bagneris) grants full and sufficient Power of Attorney, as required by law, to his wife, Pelagia Duvernay, empowering her to act in his name and to represent him when and wherever required.

(To be continued.)